

FACE SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 1 - 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

MAY 1 - 1970

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: April 29, 1970

By:

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

MAY 1 1970

At 11:50 o'clock a.m.



Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

#### SUBCHAPTER 5. GROUP CARE FOR INFANTS UNDER 2 YEARS

##### Article 1. Organization and Management

34500. PURPOSE. Group day care of children under 2 years of age shall be permitted for those children for whom the community involved offers no reasonable alternative, such as a sufficient number of family day care homes to provide adequate care, or to meet the special needs of particular groups, such as mothers attending school or training, or migrant workers living in special camps for migrant workers.

34503. MANAGEMENT. Group day care of children under 2 years of age shall be permitted only under the direction of a nonprofit agency, subject to the provisions of Sections 34002 through 34004.

34505. LICENSING PROCEDURES. Sections 34002 through 34004 and 34007 through 34013 shall apply.

DO NOT WRITE IN THIS SPACE

Effective 5/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

34507. ORGANIZATION. Sections 34026, 34027 and 34028 shall apply.

(a) Each licensee which is a corporation or association shall be legally organized.

(b) There shall be an internal structure which provides for:

(1) An appropriate governing authority:

(A) Responsible for the development and enforcement of operating policies, and

(B) Located so as to be familiar with, and accountable for, all aspects of the operation of the day nursery and reasonably accessible to the licensing agency.

(2) Appointment of a Director of the Infant Care Center who meets the qualifications specified in Section 34517.

(3) Delegation to the Director of responsibility and authority appropriate to the administrative structure of the organization.

(4) The maintenance of qualified membership on all boards and committees.

(5) A constitution, articles of incorporation, bylaws, or other appropriate legal documents which set forth the legal responsibility of the governing board and that of any subsidiary committees or bodies acting in an advisory capacity to the governing board.

If the agency provides day care for 40 or more children, supported in whole or in part by federal funds, there must be a policy advisory committee whose membership shall include not less than 50% parents or representatives chosen by the parents in a democratic manner.

Effective 5/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

Article 2. Finances

34509. FINANCES. Sections 34040, 34041 and 34043 shall apply.

Article 3. Personnel

34511. GENERAL REQUIREMENTS. There shall be a sufficient number of qualified staff to carry out the program of the nursery.

34513. PERSONNEL QUALIFICATIONS. (a) Staff members shall be of good character and equipped by education, training and/or experience for the work they are required to do.

(1) Physical health: Each staff member in contact with the infants must have a certificate from a licensed physician indicating that the individual is free from communicable disease, uncorrected auditory and visual problems, and any speech impediments which would handicap him in the care of the children, and is in good general health. This certificate shall be renewed annually and shall be kept on file in the facility.

(2) Emotional health: Each staff member must give evidence of being free of serious emotional problems and must show stability and adequate functioning in his daily life.

(3) Each staff member must show evidence of ability to deal effectively with practical problems of daily living and of child care.

(b) The selection of the staff to provide care for the children shall be governed by the following points:

Effective 5/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

## 34513. PERSONNEL QUALIFICATIONS. (Continued)

- (1) The impact and importance this person will have on the infant;
- (2) The ability of the person to respect the individual infant's uniqueness and level of adjustment;
- (3) The ability to work harmoniously with parents and other co-workers.

34515. RESPONSIBILITIES OF DIRECTOR. There shall be a responsible director in charge of the nursery at all times it is in operation. To be in charge means that (except for programs lasting more than eight hours) the director is normally on the premises, available to staff, parents, and children. It precludes outside employment which interferes with these duties.

The director may be counted in the staff-child ratio only at times he is devoting fulltime to care of children.

## 34517. QUALIFICATIONS OF DIRECTOR.

- (a) Director shall be at least 21 years of age.
- (b) Director shall have education and experience which will provide the knowledge and skill necessary to carry out an effective program of good infant care set forth in these regulations. The combination of education and experience can be met in one of the following ways:
  - (1) Graduation from high school plus the completion of 12 semester units in early childhood development plus completion of three units in administration and/or staff relations AND four years of child care experience in a day nursery or in a comparable group child care program;

DO NOT WRITE IN THIS SPACE

Effective 5/1/70



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

## 34517. QUALIFICATIONS OF DIRECTOR (Continued)

OR

- (2) Graduation from high school plus one year in junior college plus the courses listed above AND three years experience as listed above;

OR

- (3) Graduation from high school plus two years in an accredited college or junior college plus completion of the courses listed above AND two years experience as listed above;

OR

- (4) Graduation from an accredited college or from an accredited school of nursing plus completion of the courses listed above AND one year experience as listed above.

## (c) Qualifying experience and training

- (1) Experience shall be verified; references shall be favorable to the applicant. The experience must have been full time (at least 3 hours per day for a minimum of 100 days in a calendar year) as a paid or volunteer staff member under the supervision of a person who would qualify as a director under these regulations.
- (2) The 12 semester units in early childhood development may be obtained as a part of either a high school or college course or under the instruction of a qualified teacher as extracurricular credits. They shall include the following areas:

Effective 5/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

34517. QUALIFICATIONS OF DIRECTOR (Continued)

- (A) Developmental characteristics and individual differences and interrelationships of physical, emotional, intellectual and social growth.
- (B) Symptoms of physical or emotional disturbances.
- (C) Patterns of family living.
- (D) Methods of meeting emotional needs of infants.
- (E) Methods of providing stimulation for cognitive growth.
- (F) Methods of recording of children's growth and development.

34519. ASSISTANT DIRECTOR. An assistant director is an individual at least 21 years of age who meets the personnel requirements for all staff as set forth in Section 34513 and the educational requirements herein defined. (See Section 34529).

34521. QUALIFICATIONS OF ASSISTANT DIRECTOR. An Assistant director shall have one of the following combinations of education and experience:

- (a) A high school education plus 12 semester units in early childhood development plus 3 semester units in administration and/or staff relations and under the direction of a qualified instructor at least 3 years experience in a day nursery or comparable group child care program;

OR

- (b) Graduation from high school plus one year in junior college plus the courses listed above and two years experience as listed above;

Effective 5/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

34521. QUALIFICATIONS OF ASSISTANT DIRECTOR. (Continued)

OR

- (c) Graduation from high school plus 2 years in junior college plus the courses listed above plus one year's experience as listed above;

OR

- (d) Graduation from college or accredited school of nursing plus the courses listed above.

34523. SUBSTITUTE FOR THE DIRECTOR

- (a) When the director is required to be absent temporarily from the nursery, arrangements shall be made for another staff member at least 21 years of age to act as a substitute.
- (b) If the absence is for more than one month, the acting director must meet the qualifications of a director.

34525. NURSERY AIDE. A nursery aide is an individual at least 16 years of age who meets the personnel requirements of all staff. (See section 34513). A nursery aide works, under the director and/or assistant director, to give continuous attention to the total physical, emotional and intellectual needs of a particular group of infants.

34527. QUALIFICATIONS OF NURSERY AIDE. An aide must:

- (a) have graduated from high school or have equivalent education; or
- (b) be enrolled in a course leading to graduation from high school; or
- (c) demonstrate through previous experience the potential for increasing skills through study, conferences, observations and other means of learning.

and

- (d) Have experience in caring for children, either in own home or other person's home, or as children's nurse, practical nurse or rearing own children.

Effective 5/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

34529. CHILD-STAFF RATIO. If a nursery has more than 25 infants enrolled, there shall be both a director and an assistant director on the staff.

- (a) No group of children shall be left without adult supervision at any time. There shall be sufficient staff to assure that at least one staff person shall be within sight and sound of each child in the nursery at all times.
- (b) There shall be at least one nursery aide for every four infants enrolled in the nursery. The aide shall devote her working day to the care of the infants, except at such time as rest periods, attendance at staff meetings, etc., when a regularly assigned substitute shall replace her.
- (c) There shall be provision for overlap of staff for different shifts so that continuity of care is assured.
- (d) There shall be sufficient auxiliary help for housekeeping duties, cooking, laundering, etc., so that the primary work of the aides can be devoted to child care when children are present.

34531. INSERVICE TRAINING. For the first six months of employment each aide shall be closely supervised and have at least one weekly conference with the director or assistant director in charge of inservice training, in order to review her performance and progress in learning. In addition, the nursery shall have at least one weekly staff meeting devoted to training and teaching of the nursery staff.

Effective 5/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

34533. DUTIES OF DIRECTOR. The director carries responsibility for the total program, plans the operation and program of the nursery, and assigns the duties and responsibilities of other staff members. He plans with the assistant director, if there is one on the staff, the orientation and in-service training of staff; works with parents, other community agencies and staff on changes in policies and admission eligibility.

34535. DUTIES OF ASSISTANT DIRECTOR. The primary duty of the assistant director is the orientation, ongoing training and supervision of nursery aides; the planning of the day-to-day program of the nursery, being alert to the need to individualize the infants' schedules and to adjust them as the needs of the infants change; the balancing of routine and variety and provision of an environment that invites learning and experimentation. He also oversees the recordkeeping and becomes involved with the parents as called upon by the director and performs other duties as needed.

34537. DUTIES OF AIDES. The primary responsibility of the aide is to insure to the greatest extent possible the health, safety and general well-being of the infant. To achieve this objective, the aide:

- (a) Gives each infant under his care individual, specialized attention each day, responds to each infant's particular needs and characteristics (this includes holding the child);
- (b) Keeps a record of each child, noting new developmental signs, and significant incidents or highlights, changes and special abilities.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

34537. DUTIES OF AIDES. (Continued)

- (c) Participates in parent conferences with the director and discusses with the parents the items noted in the child's record, answers parents' questions regarding the child's progress, discusses the child's special abilities and life style and under the supervision of the director plans with the parents for the child's future. Notes on these parent conferences are incorporated as a part of the child's records;
- (d) Reports immediately any signs of illness or other distress, and records them in the child's record.

34539. HEALTH EVALUATION. Every child admitted to the nursery shall have a physical examination within two weeks after admission unless he has had a complete physical examination within a month prior to his admission. The purpose of this examination is to detect problems requiring further medical care, and to determine the appropriateness of day care for the child. The appropriate immunizations for his age shall have been given or shall be in process.

34541. COMPREHENSIVE RECORD. A comprehensive record shall be maintained at the nursery for each child and shall contain the following:

- (a) Significant physical findings at admission.
- (b) Written report of physical examination.
- (c) Plan for medical care in case of emergency.
  - (1) Name of family physician or source of health care.
  - (2) Written permission from the family to obtain emergency medical care and permissible alternative sources of care.

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

34541. COMPREHENSIVE RECORD. (Continued)

- (3) Telephone number and address of place where parents can be reached in an emergency, if possible.
- (4) Competent adult authority to act for parent in case of emergency when parent is not available.
- (d) Notes of staff and/or nurse as to child's health and development.
- (e) Pertinent subsequent physical findings.

Article 4. Health and Safety

34543. MEDICAL CONSULTATION. Every nursery caring for infants shall have provision for continuing medical consultation from a licensed physician. Such medical consultation shall include the following:

- (a) Development of plans for continuing surveillance of communicable diseases.
- (b) Development of plans for daily health surveillance including plans for the care of the sick children.
- (c) Development of procedures for record keeping and reporting of accidents and illnesses.
- (d) Standing orders for allowed treatment for nonlife-endangering illnesses.
- (e) Plan for procedures for emergency health care including posting of necessary telephone numbers.
- (f) Plan for storage of medications.
- (g) Determination of the adequacy of emergency first aid procedures including the availability of trained staff.
- (h) Plan for the provision for the continuing health care of those children who are not under the care of a personal physician.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

34545. ISOLATION OR SICK BAY. There shall be a separate area under adult supervision to be used for the care of sick children who do not need to be excluded from the nursery.

34547. SLEEPING ARRANGEMENTS. Each child shall have a separate crib, cot, or floor pad for sleeping purposes and no other child shall occupy this.

(a) Each child's bedding shall be used for him only, and shall be replaced when wet or soiled.

(b) Bedding shall be changed daily.

34549. CLOTHING. Each child shall have sufficient changes of clothing so that he can be clean and dry all day.

(a) Each child shall have a separate storage place for his clothing and this shall be clearly labeled.

(b) Disposable diapers or diaper service shall be used, and a separate container for their disposal shall be used.

34551. GENERAL SANITATION. Nurseries shall maintain an acceptable level of general sanitation and cleanliness with regard to the building, playground, equipment and storage of supplies, bedding, clothing, food and other equipment.

(a) Each care-taking person caring for infants shall wash his hands before and after each care-taking act involving contact with the child. Examples of this could be changing diapers, feeding, bathing, and rocking, etc.

(b) Provision of proper washing of dishes, bottles and utensils shall be made. Unless a dishwasher is used, they shall be dipped in a sterilizing solution and air dried.

Effective 5/1/70

DO NOT WRITE IN THIS SPACE



**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

34551. GENERAL SANITATION. (Continued)

- (c) The use of common washcloths and towels for the children is prohibited.
- (d) All rooms shall be cleaned daily.
- (e) All walls and floors shall be made of such material that they can be easily washed.
- (f) Diapering shall be done for each child in his own crib, or if a common changing table is used the cover shall be changed after each child's use. Disposable paper towels or appropriate substitute may be used for this purpose. An unpadded surface should be wiped with soap and water after each use.
- (g) If training chairs are used they shall be emptied promptly and sanitized at least once a day. The plastic one-piece units which can be immersed in a sanitizing solution are preferred.

DO NOT WRITE IN THIS SPACE

Effective 5/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

34555. INDOOR PLAY SPACE. (a) There shall be adequate indoor play space separate from the sleeping area. There must be sufficient space to provide areas where toddlers can explore in a safe manner an environment that offers stimulation and experimentation.

(b) There shall also be space where children who cannot yet walk can be in playpens or can be placed on the floor for free play and crawling.

(c) The play space shall be equipped with washable, safe manipulative toys which lend themselves to the development of perceptual, and auditory discrimination. They shall not be small enough to swallow ~~nor~~ made of material which could splinter.

(d) There also shall be sufficient space for quietness and privacy for those children who need it.

(e) The room for play shall be equipped with pictures, books, record players, <sup>other items</sup> and /so that it offers variety, change and encouragement to explore.

34557. OUTDOOR PLAY SPACE. (a) There shall be adequate, well-fenced outdoor play space, properly drained, shaded, free from rubbish, litter or other hazards.

(b) There shall be space for those children who will be in playpens but who need an interesting area with both sun and shade.

(c) The outdoor play space shall be equipped with toys to provide development of large muscles.

34558. SAFETY. See Section 34101.

Effective 5/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

34559. FEEDING. (a) The feeding of the children shall be planned by a nutritionist, pediatrician, or public health nurse, with the introduction of new foods into individual diets so as to insure proper nourishment and physical development of the infants.

(b) Infants under six months shall be held for bottle feeding. At no time shall a child be placed in bed with a propped bottle. At no time shall a child be allowed to carry a bottle.

(c) There shall be frequent communication with the child's mother about feeding, such as introduction of new foods, likes and dislikes, <sup>and</sup> introduction of cup.

34561. TOILET TRAINING. Staff shall have special instruction so that they may understand the developmental needs of children at the time toilet training is begun.

Article 5. Services

34563. PARENT CONFERENCES. There shall be a plan for regular conferences and referral for social services if it seems appropriate. However, it shall be the policy of the nursery that the parent has primary responsibility for his own child, and the final decision for the child's care shall be his.

34565. SOCIAL SERVICES. Provision shall be made for social services to be provided, as needed, to the families of children enrolled in the nursery.

Such social services may be provided in accordance with an agreement or contract with an established public or private social agency.

Effective 5/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

Article 6. Admission Policies and Procedures

34567. ADMISSION POLICIES--GENERAL REQUIREMENT. Every nursery must establish admission criteria designed to guide in the selection of children who can benefit most from the program and services it has to offer.

Every nursery shall state its admission criteria in writing and make such written policies available to the public.

The admission policies established by each nursery shall be determined by the total program, including:

- (a) The hours of operation
- (b) The size of groups
- (c) The number and qualifications of staff
- (d) The program activities
- (e) The supplementary services provided.

Although its program will determine the specific admission policies established by each nursery, the admission policies of all nurseries must include the following:

- (a) Each child admitted must be determined to be:
  - (1) Ready for the type of group experience that the nursery has to offer.
  - (2) Able to benefit from the program offered.
- (b) Children who are physically handicapped or emotionally disturbed shall not be accepted unless it is determined that:
  - (1) There will be no adverse affect upon other children, either through direct behavior of the child or through requiring staff time needed by other children, AND
  - (2) The nursery is able to meet the individual needs of the child.

Effective 5/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

34569. ADMISSION POLICIES--NONDISCRIMINATION. The written admission policies shall include a statement that the nursery is operated on a non-discriminatory basis, according equal treatment and access to services without regard to race, color, religion, national origin or ancestry. An otherwise eligible child may not be excluded on the basis of these characteristics, except as indicated below.

A nonprofit nursery established to serve an identified group may serve children of this group, but shall not discriminate within the group on the basis of race, color, religion, national origin or ancestry.

A religious group may elect to serve children of a particular religious faith, but may not discriminate within the group on the basis of race, color, national origin or ancestry.

34571. ADMISSION POLICIES--GENERAL REQUIREMENTS. Each nursery must develop an admission procedure according to its individual program, policies and needs.

34573. ADMISSION PROCEDURES--INTERVIEWS WITH PARENTS. The admission procedure must include a personal interview or interviews with the parent to exchange information and arrive at a joint decision about the admission of the child.

During the admission interviews, the parent must be given complete information about the nursery. This must include its admission policies and procedures, activities, services, regulations, hours and days of operations, and fees.

In these interviews, the nursery must obtain the following:

Effective 5/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

34573. ADMISSION PROCEDURES--INTERVIEWS WITH PARENTS. (Continued)

- (a) Assurance that the parent has a practical and realistic way of providing for the care of his child when ill.
- (b) All identifying information required by Section 34541, Comprehensive Record.
- (c) All health information required by Section 34539, Health Evaluation.
- (d) Instructions as to the action to be taken in case the parent or the physician designated by the parent cannot be reached in an emergency. See Section 34541, Comprehensive Record.

34575. ADMISSION PROCEDURES--CHILD.. Each child's first days in the nursery must be planned for on an individual basis to make his adjustment to the nursery and to separation from his parents as smooth as possible.

Effective 5/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The adoption of Sub-Chapter 5, Chapter 3, Division 2, Title 22 of the California Administrative Code is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

The following facts constitute the emergency:

1. The establishment of group care for infants under two years of age is of the greatest importance, particularly in relation to camps established for migratory agricultural workers.
2. Funds provided by the United States Government through the Department of Health, Education and Welfare are available for the establishment and maintenance of group care programs for infants under two years of age, but only if the camp is established and operated pursuant to standards adopted by the responsible state agency.
3. Pursuant to Section 11003 of the Welfare and Institutions Code, the State Department of Social Welfare is the state agency responsible for the adoption and enforcement of such standards.
4. Unless such standards are adopted prior to the opening of camps for migratory agricultural workers, federal funds will not be available for this purpose.
5. The establishment of camps for migratory agricultural workers will commence on or about May 1, 1970.
6. Failure to adopt the above-described regulations with an effective date of May 1, 1970 would, therefore, preclude the establishment of group care for infants under two years of age; would disable the state from claiming federal funds; would impair the earning ability of migratory agricultural workers with children under two years of age; and would be detrimental to the health, safety and general welfare of these children as well as their parents and, thus, immediately detrimental to the health, safety and general welfare of the people of the State of California.

It is, therefore, necessary that the regulations listed above be adopted with an effective date of May 1, 1970.

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE  
Under Sec. 11422.1, Government Code

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations attached hereto.

State Department of Social Welfare

By

Rosenman

Director

DO NOT WRITE IN THIS SPACE



F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 3 - 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

MAY 8 - 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
(Agency)

Dated: May 5, 1970

By:

*Robert Hewitt*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

MAY 11 1970

At 12:36 o'clock P.M.

*[Signature]*  
Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

## CHAPTER 23-400 FORMS MANAGEMENT

Forms covered in this chapter related primarily to those required or recommended for use in the cash grant and medical assistance programs. Forms related primarily to fiscal operations, research and statistics, etc., are included in other appropriate chapters or divisions of the SDSW Manual.

Initials preceding the form number for forms listed in this chapter indicate generally the program(s) in which the form is used. Forms designated DPA, SSA or with no initials are used in all cash grant programs and in the MN program.

Effective 7/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11180.1)

23-401 REQUIRED FORMS - NO SUBSTITUTES PERMITTED

23-401

A required form is a state form not subject to change except by SDSW. Forms may be purchased directly from SDSW or may be reproduced by the county without charge at its own expense.

.1 Standardization of Forms

Reasons for requiring a standardized form, with no variation, include:

- .11 The law requires a standardized form.
- .12 More than one county or agency is involved.
- .13 There has been serious legislative concern about the form.
- .14 Uniformity is necessary in gathering and reporting statistical data.
- .15 The Federal Government requires a standard form.

- .2 The following forms, completed in accord with instructions for their use are required and no substitutions are permitted except as provided in 23-401.3 (see Appendix 2, EAS Manual).

DM 1	Medical Report
DM 1A	Psychiatric Report
DM 3	Certificate of Disability
DPA 6	State Department of Social Welfare Appeal as to Responsibility for Support
ABCDM 200	Application for Public Social Service
CA 200 (BHI)*	Application for AFDC - Boarding Homes or Institution
<u>ABDM 201</u>	<u>Statement of Facts Supporting Eligibility for Assistance</u>
CA 201**	Affirmation of Eligibility for AFDC

\* Interpretation - Form CA 200 (BHI) provides space for listing the names of children in foster care and may be used in lieu of ABCDM 200.

\*\* Not used in MN.

Effective 7/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11180.1)

23-401 REQUIRED FORMS - NO SUBSTITUTES PERMITTED (Continued)

23-401

<u>DM 201B</u>	<u>Social Information Report</u>
<u>DM 201C</u>	<u>Applicant's Statement of Facts Regarding Disability</u>
<u>DM 201D</u>	<u>Applicant's Restatement of Facts Regarding Disability</u>
<u>M 201B</u>	<u>Family Declaration of Eligibility for Medical Assistance</u>
<u>ABCDM 215</u>	<u>Notification of Transfer</u>
AG 224**	Preliminary Statement of Responsible Relative Under OAS Law
AG 225**	Statement of Responsible Relative Under Old Age Security Law
<u>DA 226**</u>	<u>Notice to Parent of ATD Recipient</u>
BL 227	Physician's Report of Eye Examination
BL 227A	Optometrist's Report of Eye Examination
ABD 235	Certification from State Department of Mental Hygiene of Applicant's Release from State Hospital
CA 256	Request from Public Assistance Agency (For Absent Parent Information see Regulation 29-050)
CA 331	Notice of County Welfare Actions
CA 333	Report to County Welfare Department
CA 339**	Applicant Information Record
CA 339A**	Applicant Information Record Supplement
CA 340**	WIN Referral Form
CA 340A	Referral to Employment Services
CA 341	Medical Report and Work Capacities Evaluation
CII:-60	Request for Information (From Central Registry - See Regulation 30-215.32.)
SSA 1610	Request for Information by State Public Agency
10-611	Application for Search of Federal Census Records

3. Use of Experimental Required Forms

When the department determines that a substantive change in a required form is needed, it may prescribe use by one or more selected counties of an experimental form in lieu of the required state form.

\*\* Not used in MN.

Effective 7/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

23-403 REQUIRED FORMS FOR WHICH SUBSTITUTE MAY BE USED

23-403

The following forms are required to be completed for the purposes indicated in the instructions for their use except that the county may use a substitute form which provides substantially the same information. State approval of substitute forms is necessary only when designated by asterisk (see Appendix 2, EAS Manual).

<u>DM 2</u>	<u>Social Summary</u>
<u>DM 4</u>	<u>Transmittal of ATD Reports</u>
<u>DPA 5</u>	<u>Summary of Letters of Guardianship</u>
<u>DPA 8</u>	<u>Notice to Applicant Who Withdraws Application</u>
<u>ABD 158**</u>	<u>Budget Worksheet - Adult Aids - Recipient in Independent Living Arrangement</u>
<u>M 158</u>	<u>Cost of Care to Persons or Families -- Worksheet Medical Assistance</u>
<u>ABD 158A**</u>	<u>Budget Worksheet - Adult Aids -- Recipient in Out-of-Home Care</u>
<u>ABDM 201A</u>	<u>Important Information in Regard to Your Statement of Facts</u>
<u>M 207*</u>	<u>Certification of Medical Assistance</u>
<u>ABCDM 228</u>	<u>Applicant's Authorization for Release of Information</u>
<u>ABD 231**</u>	<u>Certificate of Delivery of Payment of Aid</u>
<u>ABDM 236</u>	<u>Certification of Patient Status in a Medical Institution</u>
<u>ABD 239**</u>	<u>Notice of Action - Adult Aids -- Recipient Living in Own Home or Board and Room Arrangement</u>
<u>ABCD 239**</u>	<u>Notice of Action</u>
<u>CA 239**</u>	<u>Notice of Action - Aid to Families With Dependent Children</u>
<u>M 239</u>	<u>Notice of Action - Medical Assistance</u>
<u>ABD 239A**</u>	<u>Notice of Action - Adult Aids -- Recipient in Out-of-Home Care Facility</u>
<u>ABD 239C**</u>	<u>Important Notice to all Recipients of OAS, ATD and AB.</u>
<u>CA 239C**</u>	<u>Important Notice to all AFDC Recipients</u>
<u>CA 241*</u> **	<u>Budget Work Sheet - Aid to Families with Dependent Children</u>

\* Use of substitute requires prior SDSW approval.

\*\* Not used in MN.

Effective 7/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11180.1)

23-403 REQUIRED FORMS FOR WHICH SUBSTITUTE MAY BE USED (Continued) 23-403

AG 246**	Notification of County Finding of Liability of Responsible Relative
ABCDM 261	Services Referral and Assessment
ABCDM 272	Referral to District Attorney for Action on Suspected Fraud
-ABCDM 273	Veterans Administration Request for Information
ABCD 278L*	List of Authorizations to Start, Change, Stop, or Deny Aid Payments
ABCD 278M*	Authorization to Start, Change or Stop Aid Payments
BL 281**	Work Capacity and Employment Opportunities
CA 281**	Family Composition Record
CA 283* **	Real Property
CA 284* **	Personal Property
CA 290	Statement of Parent Living Apart from Children
CA 290A	Agreement to Contribute by Parent Living Apart from Children
CA 321	Notification of AFDC Assistance, Divorce or Separate Maintenance Action, W&IC 11485
CA 322	Notification of Divorce or Separate Maintenance Action, W&IC 11485
CA 323	Notification of District Attorney on Desertion or Abandonment, W&IC 11476
CA 324	Referral to District Attorney for Action on Desertion or Abandonment, W&IC 11476

23-405 RECOMMENDED FORMS

23-405

The following form is recommended because it serves as a useful guide or worksheet to the orderly securing and recording of necessary information.

AG 203C\*\* Responsible Relatives Summary

\* Use of substitute requires prior SDSW approval.

\*\* Not used in MN.

Effective 7/1/70

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective July 1, 1970:

42-605.214 Patient in General Medical Institution - Diagnosis  
of Tuberculosis or Psychosis

42-611.3 Patient in a General Medical Institution - Diagnosis  
of Tuberculosis or Psychosis

44-241 SPECIAL NEED FOR HOUSING AND UTILITIES

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE  
Under Sec. 11422.1 Government Code

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations filed by said agency with the Secretary of State on February 9, 1970 which became effective immediately.

Sections 42-340.4 and 42-350 filed with Secretary of State  
on February 9, 1970, effective immediately

State Department of Social Welfare

By Robert Martin  
Robert Martin, Director

RECEIVED FOR FILING

MAY 8 - 1970

Office of Administrative Procedure

**FILED**

In the office of the Secretary of State  
of the State of California

MAY 11 1970

At 12:36 o'clock P.M.

W. R. Sullivan  
Secretary of State

DO NOT WRITE IN THIS SPACE

1 FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 15 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

MAY 15 1970

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
(Agency)

Dated: May 15, 1970

By:

Director

(Title)

FILED

in the office of the Secretary of State  
of the State of California

MAY 15 1970

At 3:35 o'clock P.M.

*H. P. Hill*  
Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

## CHAPTER 3. DAY NURSERIES

## SUBCHAPTER 1. LICENSURE APPLICATION REQUIREMENTS

## Article 1. Licensing Procedure

34005. SPECIAL CIRCUMSTANCES. A license may be issued in exceptional circumstances, at the discretion of SDSW, to a nonprofit facility which cannot meet all of the standards set forth in these regulations, upon a determination that the licensing of the facility will:

- a. Improve conditions for children in the neighborhood,
- and
- b. Provide a needed service that will otherwise not be available, and
- c. Not jeopardize the family relationships, or the emotional development, health or safety of the children.

Effective 7/1/70

DO NOT WRITE IN THIS SPACE



CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

## 34005. SPECIAL CIRCUMSTANCES. (Continued)

No license shall be issued to a nonprofit facility that cannot meet all of the standards set forth in these regulations until the SDSW has evidence from the users or potential users endorsing such a facility. If a license is issued pursuant to these exceptional circumstances, the letter accompanying the license shall specify the exceptions from regulations and the license shall bear the statement:

"Licensed under special circumstances pursuant to SDSW Regulation 34005."

DO NOT WRITE IN THIS SPACE

Effective 7/1/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

## CORRECTORY AMENDMENT

(Through clerical error, two paragraphs were misplaced in the original filing)

36041. ADMINISTRATION - PUBLIC AND PRIVATE AGENCIES (Continued)C. Public Agency - Adoption Service

Public agencies shall assure that adoption time reports and claims accurately reflect staff and administration used for providing adoption services.

The adoption services shall be focused on finding homes for children for whom adoption appears to be the best plan, who are now ready for adoption, and for whom the agency is free to select adoptive homes. In accomplishing this, services are given to the natural parents and children and to adoptive applicants.

The adoption services to be provided and claimed are:

1. Services to natural parents when relinquishment of the child is being considered.
2. The acceptance of relinquishments.
3. Services for children in preadoptive care for a reasonable period of time. A reasonable period of time ceases when;
  - a. The child is ready for adoption but a suitable adoptive home is not available locally or through ARRC, the state-wide adoption exchange. (Refer to Section 36291)
  - b. The child needs foster care for an indefinite or undeterminable period of time because of legal complications or delays, age, medical or psychological problems that preclude the child being ready for adoption.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

CORRECTORY AMENDMENT (Continued)

36041. ADMINISTRATION - PUBLIC AND PRIVATE AGENCIES (Continued)

c. Adoption cannot be the plan for the child because of severe medical, physical, or psychological handicaps which have been diagnosed by an appropriate specialist.

The adoption unit remains responsible for keeping an active file for these children and for evaluations of the progress reports received from placement staff. Evaluations include determining whether a child is ready for adoption, and whether a home is now available.

The adoption unit remains responsible for recruiting homes for these children and for considering these children in connection with applications received, homes approved or homes becoming available through ARRC.

4. The recruitment, selection and study of adoptive families.
5. Selection, placement and supervision of children in adoptive homes.
6. Preparing and completing necessary documents, report and records for completion of the adoption.
7. Interviews with adoptive family after adoption is final when specific information is needed regarding the child or limited services are necessary. Continued services shall be provided by referral to appropriate services in the county or community.
8. Interviews with the natural parent following relinquishment to provide limited services. Continued services shall be provided by referral to appropriate services in the county or community.

Effective 2/1/70

FACE SHEET  
**FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE** NS  
 (Pursuant to Government Code Section 11380.1)

**RECEIVED FOR FILING****MAY 15 1970**

Office of Administrative Procedure

**ENDORSED**APPROVED FOR FILING  
(GOV. CODE 11380.1)**MAY 15 1970**

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
 (Agency)

Dated: May 15, 1970By: *Robert Thant*Director

(Title)

**FILED**in the office of the Secretary of State  
of the State of California**MAY 15 1970**At 3:35 o'clock P. M.*J. P. Hill*

Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.  
 These regulations do not contain any building standards.

10-072 FORMER AND POTENTIAL RECIPIENTS OF CATEGORICAL  
 PUBLIC ASSISTANCE (Continued)

10-072

.2 Services for Former and Potential Recipients

- .21 All individuals and families certified as Medically Needy are eligible for all required (Section 10-051) and recommended Services (Section 10-053) on the same basis as current applicants for or recipients of categorical public assistance when they request such Services, except for homemaker services-adults. (See Section 10-051.91)
- .22 The county welfare department shall make available for persons eligible as former and potential recipients at least the following listed Services as appropriate:
- .221 State preschool services, when requested, on the same basis as is provided to recipients in a county where such program is established;
- .222 Out-of-home services for children in foster care (by July 1, 1969);
- .223 Protective services for children (by July 1, 1970);
- .23 The county welfare director may include in the county plan the provision for former and potential recipients of any of the other Services described in Sections 10-051 and 10-053 as deemed essential to prevent or minimize the need for public financial assistance.
- .24 The county welfare director shall describe in the county plan the persons to be served as former and potential recipients and the steps to be taken in the progressive implementation of Services described in Sections 10-072.222 and 10-072.223.

Effective 7/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-021 EXPLANATION OF RIGHT TO FAIR HEARING

22-021

- .1 The county welfare department shall explain the right to request a fair hearing as well as the right to be represented and assisted by persons of his own choosing, including legal counsel and an interpreter, to every applicant at the time of application, and to an adult child liable for contributions.

22-023 COUNTY WELFARE DEPARTMENT RESPONSIBILITY PRIOR TO THE HEARING (Continued)

22-023

.2 The Basis of Action

- .214 A notification stating whether, within the information available, an interpreter will be necessary to assist claimant in a language difficulty, and whether the county will provide one.

22-023 COUNTY WELFARE DEPARTMENT RESPONSIBILITY PRIOR TO THE HEARING (Continued)

22-023

- .34 Arrange for attendance of all required witnesses and the availability of all necessary documents to carry out the plan, including notifying the State Department of Social Welfare of language difficulties on the part of the claimant.

22-041 EXPLANATION OF RIGHT TO FAIR HEARING (Continued)

22-041

- .11 His rights and responsibilities in a hearing including representation by legal counsel and an interpreter of his own selection.

Effective 7/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-049 THE HEARING - GENERAL RULES AND PROCEDURES

22-049

- .1 Attendance at a hearing shall be limited to those directly concerned, namely, the claimant and his representative, interpreter if any and witnesses; representatives of the county welfare department; the State Department of Social Welfare representatives and the referee.

22-049 THE HEARING - GENERAL RULES AND PROCEDURES (Continued)

22-049

- .7 An interpreter shall be provided by the State if the hearing officer considers this necessary or if the claimant so requests.

DO NOT WRITE IN THIS SPACE

Effective 7/1/70

FACE SHEET  
FOILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 21 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

MAY 21 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
(Agency)

Dated: MAY 18 1970

By: *Robert Thant*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

MAY 21 1970

At 3:15 o'clock P.M.

*J. P. Hill*  
Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

#### CHAPTER 6. BOARDING HOMES FOR CHILDREN AND AGED PERSONS

##### ARTICLE 4. LICENSING PROCESS

##### 40218. NONDISCRIMINATION.

1. Each foster family home for aged persons, foster family home for children, family day care home, parent-child boarding home shall establish criteria designed to guide in the selection of persons who can benefit most from the services it has to offer. Such criteria shall be nondiscriminatory and shall not include factors of race, color, national origin, religion, or ancestry. No person eligible shall be excluded or denied admission on the basis of such factors.

DO NOT WRITE IN THIS SPACE

Effective 7/1/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATION  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

40218. NONDISCRIMINATION. (Continued)

2. Each foster family home for aged persons, foster family home for children, family day care home, parent-child boarding home shall, at time of the application for a new license or by the time of the first renewal of a license following the effective date of this section, sign a statement assuring that the services of the home will be available to all persons otherwise eligible without discrimination on the basis of race, color, religion, national origin, or ancestry.

2025-2026 FILING YEAR

Effective 7/1/70



FACE SHEET  
 FOILING ADMINISTRATIVE REGULA NS  
 WITH THE SECRETARY OF STATE  
 (Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 21 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

MAY 21 1970

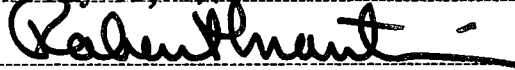
Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
 (Agency)

Dated: May 18, 1970

By:



Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

MAY 21 1970

At 3:15 o'clock P.M.



Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

## 30-403 DEFINITION AND PURPOSE

30-403

Health care is activity directed toward the treatment of physical, emotional and mental disease; the correction of disabling defects; the prevention, rehabilitation and amelioration of disabilities; and the maintenance of health. Factors which interfere with the ability to know about and utilize health care resources contribute significantly to the widespread health problems evidenced among low-income persons. Social services help in identifying and dealing with those factors such as burdensome family responsibilities, mental and physical disabilities, infirmities of aging, language barriers, inaccessability of treatment resources, and others.

The purpose of social services for health care, therefore, is to help people achieve their maximum potential for self-care, self-support and well-being and to decrease the need for institutionalization by:

1. Alerting individuals and families to health problems;
2. Helping them understand the importance of securing needed health care;
3. Helping individuals and families make maximum and effective use of the Medical Assistance, Medicare and other public medical care programs;
4. Identifying and helping to deal with circumstances which affect ability to secure and use needed health care; and
5. Helping them to secure and utilize needed health care.

DO NOT WRITE IN THIS SPACE

Effective 7/1/70

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)**

30-405 COUNTY WELFARE DEPARTMENT RESPONSIBILITIES

30-405

The county welfare department shall:

.1 Provide help to individuals and families to:

.11 .Secure and utilize health care and rehabilitation resources appropriate to their particular needs.

.12 Obtain medical care in emergency situations and deal with social problems associated with medical emergencies 24 hours a day, seven days a week. Immediate response to requests for social services related to medical emergencies after office hours, on weekends and on holidays shall be provided through the welfare department social service system or through a formal arrangement with another public agency or through a contract with a public or private agency qualified to perform the necessary services.

DO NOT WRITE IN THIS SPACE

Effective 7/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

10-034 USE OF PUBLIC AND PRIVATE AGENCIES AND INDIVIDUALS AS SERVICE  
CONTRACTORS (Continued)

10-034

.4 Purchase of Vocational Rehabilitation and Employment Services

.41 Services authorized under the Vocational Rehabilitation Act shall be obtained from the State vocational rehabilitation agency when that agency is willing and able to provide them. They may be purchased from another source only when they are not obtainable from the State Vocational Rehabilitation Agency.

.42 The Department of Human Resources Development shall have primary responsibility for all placement and employment services provided to welfare recipients. Under the circumstances described below employment services may also be purchased from private employment agencies under a purchase of service contract.

.421 Such contract shall meet all applicable conditions in Section 10-034.3.

.422 The service shall be provided without any charge to the welfare recipient.

.423 Once a recipient is placed in employment by a private employment agency, further purchase of service for this recipient from any private employment agency shall be precluded for a period of six months from the date of placement.

.424 A recipient appropriate for referral to WIN <sup>SECTION</sup> (30-162) shall not be referred to a private employment agency unless the Department of Human Resources Development states in writing on form CA 331 that he cannot be served by WIN. Such notification constitutes a release of the recipient from the WIN program.

.425 For all recipients in non-WIN counties and for recipients not appropriate for referral to WIN in WIN counties, the services of a private employment agency shall be used only where the Department of Human Resources Development states in writing on form CA 331 that it is unable to obtain appropriate employment for the recipient.

DO NOT WRITE IN THIS SPACE

Effective 7/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective July 1, 1970:

Department Bulletin No. 654    Family Day Care Nondiscrimination

DO NOT WRITE IN THIS SPACE

## FC FILING ADMINISTRATIVE REGULATION WITH THE SECRETARY OF STATE NS

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUN 9 - 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

JUN 9 - 1970

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
(Agency)

Dated: June 8, 1970

By:

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

JUN 9 - 1970

At 4:30 o'clock P.M.

Secretary of State

Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

30-507 COUNTY PLAN FOR HOMEMAKER SERVICES (Continued)

30-507

.3 Homemaker services for the adult categories shall be operative in all counties not later than December 31, 1972, and attendant care allowances in the grant terminated by that date.

.4 The county plan for homemaker services shall be submitted to the SDSW at least 45 days prior to the date on which the approved plan is to become operative.

.5 An interim county plan for the implementation of homemaker services through individual contracts in ATD may be submitted in advance of the total county plan for homemaker services - adults.

.6 These regulations may be implemented on a case-by-case basis provided there is no overlapping of allowances for attendant care and the provision of homemaker services in the same case and in the same month.

.7 All grant allowances for attendant care, not to exceed \$300, are subject to the limitations of regulation Section 44-239 and such allowances shall be subject to participation by the county under the usual categorical public assistance formula.

Effective 8/1/70

DO NOT WRITE IN THIS SPACE

FACE SHEET  
 FC      ILING ADMINISTRATIVE REGULA      NS  
 WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

**RECEIVED FOR FILING**

**JUN 22 1970**

Office of Administrative Procedure

**ENDORSED**

APPROVED FOR FILING  
 (Gov. Code 11380.1)

**JUN 22 1970**

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: June 19, 1970

By: *Ruben Thant*

Director

(Title)

**FILED**

In the office of the Secretary of State  
 of the State of California

**JUN 22 1970**

At 12:40 o'clock P.M.

*J. P. Heller*  
 Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

#### FINDING OF EMERGENCY

The provisions contained in the following regulations of the State Department of Social Welfare Manual of Eligibility and Assistance Standards are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Section 42-513.3	(New - renumber existing sections 42-513.3, 513.4, 513.5, and 513.6 and repeal 42-513.7)
42-514	(New)
42-515.4	(Repeal - renumber existing section 42-515.5)
44-113.5	(New)
44-115	(Revise)
44-115.7	(Revise - repeal 44-115.71 and 115.72)
44-133.8	(New)
42-513.41	(Revise - nonsubstantive change)
42-513.6	(Revise)
42-513.7	(Revise)
42-513.8	(Revise)
44-111.232	(Repeal - renumber existing section 44-111.233)
44-113.242	(Repeal - renumber existing section 44-113.243)
44-133.111	(Repeal)
44-133.12	(Repeal - renumber existing section 44-133.13)
44-133.5	(Revise)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

Section 44-133.7 (New)  
44-213.21 (Revise)  
44-213.31 (Revise)  
20-101 (Revise 20-101, 20-101.1 and 101.2)

The following facts constitute the emergency:

On April 20, 1970, in the case of Lewis v. Martin, the United States Supreme Court ruled that California is precluded from enforcing its "assumption of income" provisions. The California provisions assumed that the income of a stepfather or a man assuming the role of spouse residing in the home of a recipient of Aid to Families with Dependent Children (AFDC) was available for the support of the family with which he was residing. The Court upheld the federal regulations contained in 45 CFR 203.1 which provide that such income can be considered as income available for the support of the family only insofar as actual contributions can be shown.

Welfare and Institutions Code Section 11351.5 (added by Chapter 1417, Stats. 1969) established a new policy regarding the treatment of such income which would bring California into conformity with the federal regulations mentioned above. During the pendency of the Lewis case before the United States Supreme Court, the state of the law in this area was uncertain so the enforcement of the federal regulations was held in abeyance awaiting the Supreme Court's determination. Therefore, the regulations implementing Welfare and Institutions Code Section 11351.5 were not adopted during this period.

The regulations described in this finding of emergency represent a package of regulatory material which will establish full compliance with the law as stated by the United States Supreme Court in Lewis v. Martin and with the federal regulations upheld in that decision.

Failure to adopt these regulations on an emergency basis will result in California's non-compliance with federal regulations administering the Social Security Act. Failure to meet federal requirements would result in the withholding of federal funds causing hardship to many thousands of welfare recipients. Furthermore, it would constitute a deliberate failure to comply with the law as interpreted by the United States Supreme Court. Such failure would, therefore, necessarily be contrary to the public health, safety and general welfare of the people of this state.

These regulations must therefore be adopted on an emergency basis and made effective July 1, 1970, to assure timely compliance with federal regulations and the decision of the Court.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

20-101 SUSPECTED MISUSE OF AFDC FUNDS

20-101

.1 Reasonable Grounds - Misuse of AFDC FundsAFDC

In the absence of a statement by the parent or caretaker, there are reasonable grounds to suspect misuse of AFDC funds when all of the following conditions exist:

- .11 The person lives with the family,
- .12 Has reason to know that the family receives an AFDC grant,
- .13 Has little or no income or resources from which to meet his or her own subsistence needs,
- .14 Has no apparent physical or mental disability that would preclude employment, and
- .15 Is ineligible or refuses to apply for public assistance, general relief, unemployment insurance or other benefits for which he or she is potentially eligible.

DO NOT WRITE IN THIS SPACE

Effective 7/1/70



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

20-101 SUSPECTED MISUSE OF AFDC FUNDS (Continued)

20-101

.2 Procedure if Reasonable Grounds Exist

AFDC Upon determination by the Income Maintenance System that reasonable grounds exist to believe that a part of the AFDC grant is being wilfully and knowingly used for the support of another person

rather than for support of the needy children and the caretaker as required by W&IC 11480, the welfare department shall refer the case to the district attorney in accordance with the following procedures:

.21 Notifications Regarding Suspected Law Violation

When the county welfare department obtains information indicating possible misuse of the AFDC grant, the person and the caretaker shall both be advised verbally and in writing that continuation subjects them to prosecution for violating W&IC 11480. The written notice shall contain a statement that unless the person secures sufficient income to meet at least his own need or leaves the home, the district attorney will have to be informed of the suspected misuse of the grant. (For limitations on interviews and statements by welfare department personnel regarding the nature of the charges which may be brought against the individual see Section 20-009.2.)

.22 Referral to District Attorney

At the expiration of 30 days following the written notice to the person and the caretaker, the county welfare department shall ascertain whether or not the situation has been corrected. If not, the county welfare department shall refer the situation to the district attorney in writing. The referral shall set forth the essential data which indicates the basis for the county's suspicion of misuse of funds, as follows:

- .221 The length of time the person has been living in the home.
- .222 The length of time his income has not been sufficient to meet his needs.
- .223 The dates the person and the caretaker were informed orally and in writing they were considered to be misusing AFDC funds and of the consequences.
- .224 The date the county welfare department ascertained the situation had not been corrected and the family's explanation as to why the person had not secured income or moved.
- .225 The amount the person contributed to the AFDC recipients during the past 12 months.
- .226 The current amount of the AFDC recipients' total need, source and amount of income, and grant.
- .227 Any other available information pertinent to the situation.

Effective 7/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

## 42-513 RESPONSIBILITY FOR SUPPORT (Continued)

42-513

.3 Cooperation Requirement - Mother and Unrelated Adult Male Living in the HomeAFDC

.31 The mother of a child for whom she is applying for or receiving AFDC shall present to the Income Maintenance System a statement signed by her and by an unrelated adult male living with the family, other than a bona fide lodger, roomer or boarder, which shall set forth:

.311 The actual amount of the financial payment(s) made by the unrelated adult male for his share of the family's cost of housing, utilities, food, household operations and special needs which are shared by the family group;

.312 The actual amount of the financial contribution made by the unrelated adult male in cash or in kind for needs of the members of the family budget unit allowed by the AFDC standard of assistance; and

.313 The amount of the unrelated adult male's monthly earnings and other income, if known.

For purposes of this requirement, both discussion and the written statement shall be limited to the fiscal and monetary arrangements between the mother and the unrelated adult male.

See Section 42-514 for "Required Financial Contribution" and definitions.

.32 The statement shall be signed by the mother and the unrelated adult male under penalty of perjury. For this purpose, the statement shall include the following:

Effective 7/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

42-513 RESPONSIBILITY FOR SUPPORT (Continued)

42-513

AFDC

"I certify through my signature that each of the statements given is true and correct to the best of my knowledge and belief. I make this statement under the penalty of perjury and understand that any willful concealment or misstatement of material fact in this statement of which I have been given notice subjects me to the penalties prescribed for perjury in the Penal Code by the State of California. I agree to tell the county welfare department at once when there are any changes in the facts presented in this statement."

If the mother or the unrelated adult male do not understand English, the above statement shall be provided by the county welfare department written in a language which each understands, before it is signed.

- .33 Failure of the mother to cooperate in the presentation of the required statement shall be considered the mother's decision to withhold information essential to the determination of the eligibility of the child, except that if she appears unable to comprehend or enter into the procedure for establishing eligibility, action shall be taken by the Income Maintenance System in accordance with Sections 40-128.3 and 40-157.33. If the exception does not apply, aid shall be denied, or discontinued.

Effective 7/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

**42-513 RESPONSIBILITY FOR SUPPORT (Continued)**

**42-513**

.34 Refusal by the unrelated adult male to sign the statement is a violation of W&IC 11351.5 and information regarding such refusal shall, with the prior knowledge of the mother and the unrelated adult male, be sent to the district attorney.

Refusal by the unrelated adult male to sign the statement shall not relieve the mother from submitting a statement signed by her setting forth the facts specified in Section 42-513.31 above.

.35 Implementation

The provisions of Section 42-513.3 are effective July 1, 1970, except that for families approved for aid prior to receipt of this regulation by the county welfare department, a statement signed by the mother and unrelated adult male shall be requested by not later than July 31, 1970 and shall be returned by the mother not more than two weeks after the request is made.

.4 Cooperation - Guardian or Person Other Than Remaining Parent

A guardian of a child who is not the child's parent, or person other than a guardian or parent who acts on behalf of the child, who has the legal authority to sign a nonsupport complaint against the parent may be asked to do so, but failure or refusal to comply shall not constitute noncooperation and shall not disqualify the child for aid to which the child is otherwise entitled.

- .41 The guardian or person other than the remaining parent shall be informed
- (a) that the law requires the welfare department to notify the district attorney in cases of nonsupport by a parent and (b) that the application for aid may be withdrawn if such notification is not desired. See Sections 42-513.23 and 42-513.231 above.

DO NOT WRITE IN THIS SPACE

Effective 7/1/70

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-513 RESPONSIBILITY FOR SUPPORT (Continued)

42-513

.5 Absent Parent's ResponsibilityAFDC

- .51 Whenever aid is applied for or granted on behalf of a child who is not living with both parents, the absent parent is required by W&IC Section 11353 to complete a statement for purposes of determining ability to support the child. Such statement shall contain the following information:
- .511 Current monthly income;
  - .512 Total income for the last 12 months;
  - .513 The number of dependents for whom support is being provided;
  - .514 The amount being contributed regularly for support of all children for whom application for AFDC is made;
  - .515 Current living expenses;
  - .516 Other data pertinent to determining ability to support the children.
- .52 Refusal or failure of the absent parent to complete this statement requires the county welfare department to refer the case to the district attorney (W&IC Section 11353; W&IC Section 11476).

.6 Stepfather

A stepfather is responsible for the support of:

- .61 His children from another union living outside the home; *AND*  
*NATURAL AND ADOPTED,*
- .62 His children *NATURAL AND ADOPTED,* living in the home; *AND*
- .63 His wife.

A stepfather is not legally responsible for the support of his wife's children by another man, unless he has adopted them.

If the stepfather and his legal dependents living in the home are needy but are ineligible or refuse to apply for public assistance or general relief, a determination of possible misuse of AFDC funds shall be made, as specified in Section 20-101.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-513      RESPONSIBILITY FOR SUPPORT (Continued)

42-513

.7 Unmarried Father

AFDC

The unmarried father is responsible for the support of his child (including the unborn child).

The unmarried father is not legally responsible for the support of his child's mother or of children not his own.

If the unmarried father and his legal dependents living in the home are needy but are ineligible or refuse to apply for public assistance or general relief, a determination of possible misuse of AFDC funds shall be made, as specified in Section 20-101.

.8 Adult Children

Adult children are responsible for the support of their parents to the extent of their ability. However, adult children are not responsible for the support of their brothers and sisters.

If the adult child and his or her legal dependents living in the home are needy but are ineligible or refuse to apply for public assistance or general relief, a determination of possible misuse of AFDC funds shall be made, as specified in Section 20-101.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-514 REQUIRED FINANCIAL CONTRIBUTION - UNRELATED ADULT MALE

42-514

.1 RequirementAFDC

An unrelated adult male, other than a bona fide lodger, roomer or boarder, who resides with a family applying for or receiving AFDC is required to make a financial contribution to the family which is not less than it would cost him to provide himself with an independent living arrangement. W&IC 11351.5.

.2 Definitions

- .21 An "unrelated adult male" is a male who is 21 or older and not related by blood or marriage to any member of the AFDC family.
- .22 An unrelated adult male living in the home shall be considered a bona fide lodger, roomer or boarder upon the written statement of the mother to this effect, supported by evidence such as the following:
- .211 Evidence that income from the lodger, roomer or boarder is reported for income tax purposes, *OK*
- .212 Possession of a license to operate a rooming house, *OK*
- .213 Evidence that quarters are furnished separate and apart from that occupied by the family, *OK*
- .214 Receipts which indicate payment of room rent or room and board.

Renewed evidence shall be required of the mother subsequent to the initial determination only if there is substantial reason, which shall be specified in the case record, to believe that the unrelated male is not a bona fide lodger, roomer or boarder.

DO NOT WRITE IN THIS SPACE

Effective 7/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-514 REQUIRED FINANCIAL CONTRIBUTION - UNRELATED ADULT MALE (Continued) 42-514

AFDC .23 The cost of an "independent living arrangement" shall be the sum of the AFDC minimum need allowances to a one-person family budget unit for housing (Section 44-212.14), utilities (Section 44-212.2), food (Section 44-212.3) and household operations (Section 44-212.5). See Section 44-113.5 for determination of net income to the family budget unit from the contribution.

.3 Action - Requirement Not Met

When the known or probable income of the unrelated adult male is insufficient for him to support himself in an independent living arrangement and to meet his expenses of employment, or his financial contribution to the family is less than the cost of providing himself with an independent living arrangement, a determination shall be made as specified in Section 20-101 with respect to possible misuse of AFDC funds.

See Section 42-513.34 for action to be taken if the unrelated adult male refuses to sign a statement regarding his contribution to the family.

42-515 DEFINITIONS FOR PURPOSES OF SUPPORT RESPONSIBILITY (Continued)

42-515

.4 Common-Law Marriage

California law, in Civil Code Section 63, recognizes any out-of-state marriage as valid as long as it is valid where contracted or performed. In cases in which there was no formal marriage, it may be that a common-law marriage was established in another state. If the parents state they are married to each other, it is assumed that they are lawfully married unless this is refuted by other evidence.

DO NOT WRITE IN THIS SPACE

Effective 7/1/70



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

AFDC

- .23 The first \$30 of the combined gross earned income plus one-third of the remainder of such income of adults and children 14 and over who do not qualify for the student exemption (Section 44-111.24) is exempt.

See Section 44-101.5 for definition of "earned income." If a portion of earnings is garnisheed, attached or deducted by court order, see Section 44-113.2. See Section 44-113.23 for the procedure to determine nonexempt net earned income.

- .231 The family exemption of earned income is computed by combining the gross earnings of persons subject to the exemption, subtracting \$30 and computing 1/3 of the remainder.
- .232 The earnings of an individual member of the family shall not be subject to the family exemption for a month if within the period of 30 days preceding such month he:
- a. Terminates his employment without good cause, or
  - b. Refuses to accept a bona fide offer of employment without good cause.

DO NOT WRITE IN THIS SPACE

Effective 7/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AFDC

.242 Child's Income

Only the amounts exempted under Section 44-111.23 or 44-111.24 may be deducted from a child's income.

44-113 NET INCOME (Continued)

44-113

.5 Unrelated Adult Male Living In The Home

Net income to the family budget unit from the actual contribution made by the unrelated adult male living in the home <sup>(SEE SECTION 42-514)</sup> to meet his own living expenses is the amount remaining after deducting the AFDC food allowance for an adult male plus \$5 for the additional cost of utilities and household operations. A deduction is also allowed to the extent of the additional cost of housing to the family budget unit if the mother substantiates that such costs are increased by the presence of the unrelated adult male. The net income to the family from this source is a contribution and is not subject to the earnings exemption.

44-115 EVALUATION OF INCOME IN KIND

44-115

AB  
APSB  
ATD  
OAS  
AFDC

When a need item is earned or is contributed in kind, the income value placed upon such earnings, contributions, etc., is the amount included for the item in the standard of assistance for the aid programs involved (see Determination of Need chapter), subject to the following limitations:

AB  
APSB  
ATD  
OAS

.1 Food, Clothing and Transportation (Recipient in Independent Living)

The value placed on these items when earned in full or when contributed in kind shall be food \$43; clothing \$12; transportation \$6 for an ATD recipient; \$8 for an OAS recipient and \$12 for an AB recipient and a companion.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC .7 Contributions By A Nonneedy Relative

When the contribution made in kind by a nonneedy relative is expressed in terms of an amount to be applied against total rather than specified items of need in the assistance standard, such amount is net income to the AFDC child(ren). For example, a nonneedy relative specifies that the contribution will be equal to all but \$50 of the child's total need. The difference between the child's total allowable need and \$50 is net income to the child.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

## 44-133 TREATMENT OF INCOME - AFDC

44-133

.1 Income in Cases in Which the Family Budget Unit Includes a Parent or Other Needy Caretaker

AFDC

.11 All net income of persons included in the Family Budget Unit is income to the Family Budget Unit.

.12 If one natural parent . . . is excluded from the Family Budget Unit because of receipt of OAS, AB, APSB or ATD, the aid payment and income of that recipient shall not be pooled with the Family Budget Unit's income and grant. The spouse's share of community income of an OAS, AB, APSB, or ATD recipient, any voluntary allocation of current earnings to a spouse of the OAS recipient and any voluntary allocation of nonexempt current earnings to the spouse of the AB or APSB recipient, is income to the Family Budget Unit.

(See Section 44-113 for Determination of Net Income.)

## 44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC .5 Income From Contributions By Stepfather

.51 When the stepfather is included in the family budget unit as an essential person (See Section <sup>44-213.1</sup>), his net nonexempt income is net income to the family budget unit.

.52 When the stepfather is excluded from the family budget unit and he meets his responsibility to support his wife, exclude her from the family budget unit and compute aid on a nonneedy relative basis.

If he <sup>CAN</sup> not meet his responsibility to support his wife, include her in the family budget unit as the needy caretaker.

In either case, his actual contribution in cash or in kind is net income to the family budget unit.

DO NOT WRITE IN THIS SPACE

Effective 7/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC .7 Income From Contribution By Unmarried Father

.71 All net nonexempt income of the unmarried father is income to the AFDC family budget unit when he and the mother have a child in common living in the home with them who is eligible for AFDC.

.72 In all other situations, the amount which the unmarried father actually contributes to the AFDC family is net income to the family budget unit.

.8 Income From Contribution By Unrelated Adult Male Living In The Home

The net amount of the contribution made to meet his own living expenses, plus any additional contribution made to the family budget unit, is net income to the family budget unit. See Section 44-113.5.

44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

.2 Persons Excluded from the Family Budget Unit

<sup>ADULT</sup>  
.21 An unrelated male.

44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

.31 The stepfather, the mother, and the stepfather's children of another relationship living in the home, when his income meets their needs.

DO NOT WRITE IN THIS SPACE

Effective 7/1/70

CONTINUATION SHEET  
I FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed effective July 1, 1970:

42-515.4 Man Assuming Role of Spouse

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective July 1, 1970:

44-111.232

44-113.242

44-133.111

44-133.12

DO NOT WRITE IN THIS SPACE

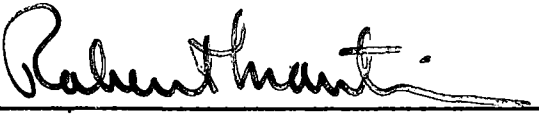
CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE  
(Section 11422.1, Government Code)

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the following emergency regulations attached hereto:

42-513.3 adopted June 19, 1970  
42-513.4 renumbered from former 42-513.3 adopted June 19, 1970  
42-513.5 renumbered from former 42-513.4 adopted June 19, 1970  
42-513.6 renumbered from former 42-513.5 adopted June 19, 1970  
42-513.7 renumbered from former 42-513.6 adopted June 19, 1970  
42-514 adopted June 19, 1970  
42-515.4 renumbered from former 42-515.5 adopted June 19, 1970  
44-113.5 adopted June 19, 1970  
44-115 through 44-115.1 adopted June 19, 1970  
44-115.7 adopted June 19, 1970  
44-133.8 adopted June 19, 1970  
Repeal of 42-515.4 adopted June 19, 1970

  
State Department of Social Welfare

By \_\_\_\_\_  
Robert Martin, Director

DO NOT WRITE IN THIS SPACE



FACE SHEET  
 FILING ADMINISTRATIVE REGULATION WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUN 25 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
 (GOV. CODE 11380.1)

JUN 25 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: June 23, 1970

By:

*Robert H. Hunt*

Director

(Title)

FILED

In the office of the Secretary of State  
 of the State of California

JUN 25 1970

At 4:00 o'clock P.M.

*W. P. Latta*  
 Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

In the Matter of a Demonstration of the Benefits of Providing Home Management Training to Low Income Families Through a Contract for Purchase of Services from the Department of Housing and Community Development

ORDER

I

With the approval of the United States Department of Health, Education, and Welfare for a waiver of statewideness already received under the provisions of Section 1115 of the Social Security Act, the State Department of Social Welfare proposes to conduct a demonstration project whereby this Department and the State Department of Housing and Community Development will enter into an agreement under which the latter Department will administer a pilot program of providing home management training services in no more than seven counties to low income families who qualify for federally assisted low housing. A substantial proportion of these persons will be public assistance recipients. The objective of the demonstration is to develop pilot home management training projects that will result in recommendations to the Legislature for expanding such training to statewide proportions.

II

In order to conduct and administer the project, it is necessary to waive the enforcement of certain laws and regulations governing the public assistance program for the period July 1, 1970 through June 30, 1973.

III

For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code, I hereby waive the operation of the following regulation effective July 1, 1970, but only to the degree required by the nature of the project.

DO NOT WRITE IN THIS SPACE

Effective July 1, 1970

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

MANUAL OF POLICIES AND PROCEDURES - OPERATIONS

10-072 FORMER AND POTENTIAL RECIPIENTS OF CATEGORICAL PUBLIC ASSISTANCE -  
Within the criteria of this project, this regulation is modified  
to allow the provision of home management training to low income  
families who qualify for federally assisted low income housing.

Robert Martin  
Director

Date: June 23, 1970

Effective July 1, 1970

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

## LEGAL NOTICE

PROPOSED DEMONSTRATION PROJECT TO PROVIDE HOME MANAGEMENT TRAINING TO LOW  
INCOME FAMILIES THROUGH A CONTRACT FOR PURCHASE OF SERVICES FROM THE  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

With the approval of the United States Department of Health, Education, and Welfare for a waiver of statewideness already received under the provisions of Section 1115 of the Social Security Act, the State Department of Social Welfare will conduct a demonstration project whereby this Department and the State Department of Housing and Community Development will enter into an agreement under which the latter Department will administer a pilot program of providing home management training services in no more than seven counties to low income families who qualify for federally assisted low income housing. A substantial proportion of these persons will be public assistance recipients. The demonstration project will begin on July 1, 1970, and end on June 30, 1973.

For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code, the following regulation is modified:

## Manual of Policies and Procedures - Operations

10-072 Former and Potential Recipients of Categorical Public Assistance

There will be no additional costs as a result of this project.

Robert Martin, Director  
State Department of Social Welfare

DO NOT WRITE IN THIS SPACE

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**RECEIVED FOR FILING**

**JUL 3 - 1970**

**Office of Administrative Procedure**

**ENDORSED**

APPROVED FOR FILING  
 (Gov. Code 11380.1)

**JUL 3 - 1970**

**Office of Administrative Procedure**

**DO NOT WRITE IN THIS SPACE**

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

~~State Department of Social Welfare~~  
 (Agency)

Dated: July 3, 1970

By: Robert Martin

Director

(Title)

**FILED**

In the office of the Secretary of State  
 of the State of California

**JUL - 3 1970**

At 11:50 o'clock 9 M.

W. R. Blinn  
 Secretary of State

**DO NOT WRITE IN THIS SPACE**

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

**FINDING OF EMERGENCY**

The following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Operations Policies and Procedures, Chapter 22-150 - "Evidentiary Hearing"  
 (New)

Eligibility and Assistance Standards, Section 44-325.3, 44-325.43 -  
 "Changes In Amount of Payment" (Revised)

The following facts constitute the emergency:

1. On June 22, 1970, the United States District Court for the Northern District of California in the case of Wheeler v. Montgomery ordered defendant Robert Martin et al., as Director of the State Department of Social Welfare, to present to the court for approval, procedures and regulations conforming to Goldberg v. Kelly.

The United States District Court in Wheeler further ordered that public assistance may not be terminated, suspended, revoked or withheld until procedures and regulations conforming to Goldberg v. Kelly were presented to and approved by the court.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

2. The United States Supreme Court in the case of Goldberg v. Kelly ruled on March 23, 1970, that public assistance benefits may not be discontinued or terminated prior to giving the recipient an "evidentiary hearing" to determine eligibility.
3. The regulations described above provide procedures which will conform to the requirements of Goldberg v. Kelly and to the order of the court in Wheeler v. Montgomery.
4. Implementation of the court order by the immediate promulgation of the necessary regulations is required for the protection of public funds as, until such regulations are promulgated and approved by the court, public assistance benefits must be paid to recipients otherwise ineligible to receive them.
5. Failure to adopt these regulations would also constitute a deliberate failure to comply with the law as interpreted by the United States District Court.
6. Therefore, the failure to adopt these regulations on an emergency basis would necessarily be contrary to the health, safety and general welfare of the people of this state.

Adoption of the above-described regulations is required effective immediately upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-150 EVIDENTIARY HEARINGS - GENERAL

22-150

22-151 DEFINITIONS - EVIDENTIARY HEARINGS

22-151

.1 Evidentiary Hearing

An evidentiary hearing is an administrative hearing procedure which provides the dissatisfied recipient an opportunity to present his case directly to the county welfare department. An opportunity for an evidentiary hearing is available to any recipient who has been notified that his assistance shall be discontinued or terminated. Assistance is continued pending disposition of the case by decision in all cases where an evidentiary hearing has been requested.

.2 Request for Evidentiary Hearing

A request for an evidentiary hearing is a written notification from the recipient filed at any office of the county welfare department that the recipient is dissatisfied and wants the county welfare department to take action concerning the reasons for his dissatisfaction.

.3 Filing Date of the Evidentiary Hearing

The filing date of the evidentiary hearing is the date the request for evidentiary hearing is received in any office of the county welfare department which has proposed termination of his aid.

.4 Impartial Decision Maker

The impartial decision maker is a person assigned by the county welfare department to conduct evidentiary hearings and prepare proposed decisions. Such person shall be one who has not been directly involved in the initial determination to discontinue or terminate assistance.

22-153 RIGHT TO EVIDENTIARY HEARING

22-153

A dissatisfied recipient may request an evidentiary hearing when the proposed determination to discontinue or terminate his aid rests upon a factual premise or on the application of rules or policies to the facts of his particular case.

A dissatisfied recipient is not required to exhaust other county adjustment procedures before applying to the county welfare department for an evidentiary hearing.

22-155 WITHDRAWAL OF REQUESTS FOR EVIDENTIARY HEARING BEFORE DECISION

22-155

The recipient may withdraw his request for an evidentiary hearing at any time before a decision is rendered by the county welfare department.

In cases in which there appears to be a possibility of adjustment, the recipient may submit a conditional withdrawal which will preserve his right to file a new request for evidentiary hearing if he is dissatisfied with the adjustment action.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

## 22-157 RECIPIENT RESPONSIBILITY

22-157

.1 Form of Request for Evidentiary Hearing

The recipient must submit his request for evidentiary hearing in writing, but it need not be in any particular form. A form provided by the county welfare department and obtainable from the county welfare department may be used. It must be signed by the recipient or his authorized representative, guardian or conservator.

The request for evidentiary hearing must include the reason for dissatisfaction.

## 22-159 TIME LIMIT ON REQUESTS FOR EVIDENTIARY HEARING

22-159

The request for evidentiary hearing must be filed by the recipient no less than seven (7) working days after notice of proposed termination of assistance is received by him. In computing the 7-day period, both terminal days as well as Saturdays, Sundays and holidays shall be excluded.

## 22-161 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - EXPLANATION OF RIGHT TO EVIDENTIARY HEARING

22-161

The county welfare department shall explain the right to request an evidentiary hearing and to continued assistance pending issuance of decision as well as a right to be represented and assisted by persons of his own choosing including legal counsel to every applicant at the time of application.

## 22-163 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - CONTINUED ASSISTANCE PENDING EVIDENTIARY HEARING DECISION

22-163

Upon receipt of the request for an evidentiary hearing, the county shall not discontinue or terminate assistance prior to the date notice of the decision is sent to the recipient and his authorized representative, if any, or prior to the proposed effective date of discontinuance or suspension whichever occurs later.

- .1 A request for evidentiary hearing filed with the county welfare department shall be acknowledged by a written communication to the recipient and his authorized or legal representative if he has designated one.

## 22-165 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - SETTING THE HEARING

22-165

.1 Date of Hearing

The county welfare department shall schedule the evidentiary hearing to commence not more than 10 days after the filing of the request for the evidentiary hearing.

For good cause, an evidentiary hearing may be continued or postponed for a reasonable period at the request or with the agreement of the recipient or his authorized representative.

DO NOT WRITE IN THIS SPACE

Effective 7/3/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-165 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - SETTING THE  
HEARING (Continued)

22-165

.2 Place of Hearing

The place of hearing shall be the county seat of the county welfare department which has proposed discontinuance or termination action unless the county seat is unsuitable due to the health of the recipient.

.3 Notification

The county welfare department shall mail or deliver to the recipient and his authorized representative, if any, the county's written notice of time and place of hearing not less than seven (7) days prior to the hearing.

22-167 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - HEARING CONDUCTED BY  
THE COUNTY WELFARE DEPARTMENT

22-167

All hearings shall be conducted by the impartial decision maker designated by the county welfare director unless the director orders that it shall be conducted by himself or his legal officer in behalf of the director.

22-169 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - THE EVIDENTIARY  
HEARING - GENERAL RULES AND PROCEDURES

22-169

.1 Recipient Rights

The recipient shall have the right to confront and cross-examine adverse witnesses and present oral and documentary evidence in his behalf. At the request of the recipient, the county shall make available at the hearing county welfare department employees designated by the recipient to testify. Any essential witness can be compelled to attend the hearing by means of a court order.

.2 Resolution of Legal Issues

If the application of county policies, state law, State Department of Social Welfare regulations or policies is questioned by the recipient or his representative, the decision maker shall immediately communicate with the State Department of Social Welfare Complaints Unit for resolution of the question.

.3 Attendance

Attendance at an evidentiary hearing shall be limited to those directly concerned; namely, the recipient and his representatives, representatives of the county welfare department, necessary witnesses and the impartial decision maker.

The impartial decision maker conducting the hearing shall exclude unauthorized individuals from the hearing unless both principals agree to their presence. Appearance by the recipient (in person or by representative) is required at the hearing. County welfare department representation is also required.

DO NOT WRITE IN THIS SPACE



CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-169 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - THE EVIDENTIARY HEARING - 22-169  
GENERAL RULES AND PROCEDURES (Continued)

.4 Availability of Evidence

The recipient and his legal counsel or other authorized representative, if any shall, upon request, be given the opportunity to examine, before and during the hearing, all evidence used by the county welfare department in making its determination to discontinue or terminate assistance and all documentary evidence that will be used at the hearing.

.5 Conduct of Hearing

The evidentiary hearing shall be conducted in an impartial and in a relatively informal manner in order to encourage free and open discussion by the participants. At the same time, the impartial decision maker shall control the hearing to assure that each person has a right to speak without unreasonable interruption.

Informal procedures will suffice. In this context, due process does not require a particular order of proof or mode of offering evidence.

22-171 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - CONTINUANCES FOR 22-171  
ADDITIONAL EVIDENCE

If after the hearing has begun, the impartial decision maker determines that additional evidence not available at the hearing is necessary for the proper determination of the case, he may continue the hearing for a period not exceeding five (5) days after which time period, the hearing record shall be considered closed.

22-173 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - DISMISSAL 22-173

A request for evidentiary hearing shall be dismissed when:

- a. The recipient or his authorized representative, if any, fails to appear at the hearing without good cause.
- b. The recipient cannot be located through his last address of record at any time after his request for evidentiary hearing is received.

22-175 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - WITHDRAWAL 22-175

A withdrawal occurs when the county welfare department is notified by the recipient that he no longer wishes a hearing.

22-177 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - PROPOSED DECISION OF 22-177  
THE IMPARTIAL DECISION MAKER

Within a reasonable time period after closing of the hearing record, the impartial decision maker shall issue a proposed decision in writing, which

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-177 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - PROPOSED DECISION OF  
THE IMPARTIAL DECISION MAKER (Continued)

22-177

decision shall state the reasons for his determination and indicate the evidence he relied on. The proposed decision need not amount to a full opinion nor contain formal findings of fact and conclusions of law. The proposed decision shall be submitted to the county welfare director or his designee.

22-179 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - DECISION BY THE DIRECTOR  
OF THE COUNTY WELFARE DEPARTMENT

22-179

The Director of the county welfare department or his designee shall within a reasonable time after receiving the proposed decision:

- a. Adopt the proposed decision of the impartial decision maker.
- b. Decide the matter himself after considering all the evidence before him with or without taking additional evidence.
- c. Order another hearing to be conducted by himself, his legal officer or another impartial decision maker.

The decision of the Director of the county welfare department or his designee shall be in writing but need not amount to a full opinion or contain formal findings of fact and conclusions of law.

22-181 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - NOTICE OF DECISION

22-181

Within a reasonable time after adopting the proposed decision of the impartial decision maker or issuance of his own decision, the county welfare director shall promptly forward a copy of the written decision to the recipient and his representative, if any, and to the county area office, if any.

22-183 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - NOTICE OF RIGHT TO FAIR  
HEARING FOLLOWING ISSUANCE OF EVIDENTIARY HEARING DECISION

22-183

In the event that the evidentiary hearing decision is not favorable to the recipient, the county welfare director's transmittal notice attached to the decision shall contain an explanation of the recipient's right to Fair Hearing if he is dissatisfied with the decision following evidentiary hearing.

44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

.3 Discontinuance

If a recipient's circumstances change to the extent that he no longer meets the eligibility requirements, aid shall be discontinued effective the last day of the month for which the last payment was made subject to MPP Chapter 22-150. (See EAS Section 40-183.4 regarding appropriate action when the recipient is no longer eligible to a cash grant but remains eligible to medical assistance as a medically needy person.)

DO NOT WRITE IN THIS SPACE

Effective 7/3/70

CONTINUATION SHEET  
 FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

.31 Notification

The recipient, the parent or other person responsible for the child in AFDC, shall be notified in writing immediately upon the initial decision being made to discontinue or terminate assistance, and in no case less than seven (7) days prior to the effective date of the discontinuance or termination. In computing the seven-day period, both terminal days as well as Saturdays, Sundays and holidays shall be excluded. Every notification shall include:

- .311 A full explanation of the reasons and grounds for the proposed discontinuance or termination of assistance together with what information, if any, is needed to resolve the questioned eligibility; the caseworker's personal explanation if needed.
- .312 A statement informing the recipient of his right to an evidentiary hearing pursuant to MPP Chapter 22-150; that if the recipient requests an evidentiary hearing, his assistance will not be discontinued or terminated until notice of the hearing decision is sent to him.
- .313 A statement informing the recipient of the legal resources in the community.

44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

.43 Notification to Recipient When Aid Payment is to be Withheld or Reduced

The recipient, the parent or other person responsible for the child in AFDC, shall be notified, in writing, immediately upon the initial decision being made to withhold a warrant beyond its usual delivery date for any reason other than death, or to reduce assistance, and in no case less than seven (7) mail delivery days prior to the usual delivery date of the warrant to the recipient. The county shall give such notice as it has reason to believe will be effective including, if necessary, a home call by appropriate personnel. Every notification shall include:

- .431 A statement setting forth the proposed action and the grounds therefor, together with what information, if any, is needed or action required to reestablish eligibility or to determine a correct grant.
- .432 Assurance that prompt investigation is being made; that the withheld warrant will be delivered as soon as there is eligibility to receive it; and that the evidence or other information which brought about the withholding or reduction action will be freely discussed with the recipient, parent, or other person, his legal counsel or other authorized representative, if he so desires (see Section .434 below).

DO NOT WRITE IN THIS SPACE

Effective 7/3/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

- .433 A statement of whether, if aid is withheld, the recipient will or will not continue to be certified for medical assistance during the month aid is withheld.
- .434 A statement that the recipient, parent, or other person, his legal counsel or other authorized representative, may have the opportunity to meet with his caseworker, an eligibility worker, or another responsible person in the county department, at a specified time, or during a given time period which shall not exceed seven (7) working days, and the last day of which shall be at least one (1) day prior to the usual delivery date of the warrant, and at a place specifically designated in order to enable the recipient, parent, or other person:
- (a) To learn the nature and extent of the information on which the withholding or reduction action is based;
  - (b) To provide any explanation or information, including, but not limited to that described in the notification pursuant to Section .431 above;
  - (c) To discuss the entire matter informally for purposes of clarification and, where possible, resolution.
- .435 A statement that the conference provided for under this section in no way diminishes the recipient's right to a fair hearing.

DO NOT WRITE IN THIS SPACE

Effective 7/3/70

FACE SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUL 10 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING

(GOV. CODE 11380.1)

JUL 10 1970

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
(Agency)

Dated: July 10, 1970

By: 

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

JUL 10 1970

At 2:15 o'clock P.M.



Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

44-239 SPECIAL NEED FOR ATTENDANT SERVICES

44-239

AB  
ATD  
OAS

Special need shall be allowed within the limitations set forth in this section.

(See also Section 44-315.32.) It is strongly recommended that when the state allocation is exhausted that this special need no longer be made available.

These regulations set forth the requirements for attendant care for all adult aids. The intent is to ensure realistic attendant care plans that are medically and financially sound, as well as socially desirable. Emphasis is to be placed on allowing attendant care in order to enable recipients to remain in their own homes.

.1 Definition of Terms

.11 Attendant services are homemaker or personal care services provided in the recipient's own home. They include the services of practical and licensed vocational nurses.

.111 Homemaker service includes household management and related supportive services.

.112 Personal care services include assistance with bathing, dressing, and other activities of daily living, and simple nursing responsibilities such as preparation of special diet, assistance in ambulation, changing the bed, assistance with simple dressings, assistance to and supervision of an individual whose memory is faulty, first aid, etc.

They do not include skilled nursing services such as tube feeding, care of catheters or colostomies, administration of medication, surgical dressings, or care of acutely disturbed persons.

Effective 7/10/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB  
ATD  
OAS

.12 Own Home

"Own home" is to be interpreted broadly to include living arrangements where the recipient lives alone in his home, apartment, hotel, etc., or where he shares living arrangements with another person or persons. A "shared living arrangement" is defined as one where there is sharing of a living unit and no landlord-tenant relationship exists between the parties living together.

.2 Requirements and Limitations

.21 Specific Exclusions

Allowance for attendant services shall not be made when:

- a. The recipient's income equals or exceeds his maintenance needs exclusive of attendant services.
- b. The required service involves predominantly housekeeping or domestic labor.
- c. The required service falls within the scope of the Medical Program, i.e., professional and ancillary services provided on a visit basis.
- d. The individual in need of service requires continuous skilled nursing services and/or close medical supervision and his well-being or that of his family requires that he have hospital or nursing home care. This includes a person in prolonged acute distress, a person subject to frequent need of emergency treatment and one in a rapidly progressive or terminal phase of illness.
- e. The attendant service is provided by a parent, spouse or adult child. Exception to this exclusion is appropriate if such relative is able to work but unable to accept employment or must relinquish employment in order to care for the disabled recipient.

AB  
OAS

DO NOT WRITE IN THIS SPACE

Effective 7/10/70

CONTINUATION SHEET  
R FILING ADMINISTRATIVE REGI TIONS  
WITH THE SECRETARY OF ST

(Pursuant to Government Code Section 11380.1)

44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

ATD

- f. The attendant service is provided by the ATD recipient's spouse or is provided by a parent of the ATD recipient when the recipient is under 21 years of age and is living with such relative.

The limitations set forth in item "e" above are applicable when the ATD recipient is 21 years of age or over and the attendant services are provided by a parent or by an adult child or when the ATD recipient receives the attendant services from a parent or adult child with whom he does not live.

AB  
ATD  
OAS

- g. The recipient is living in an out-of-home care facility, including a public or private medical facility, nursing home, rehabilitation facility, family or residential care home or institution. (Need for such person is determined in accord with Sections 44-209 or 44-211, whichever is appropriate.)
- h. The recipient is living in some other person's home receiving from the person or persons in whose home he lives care or services other than normally associated with a landlord-tenant relationship. (Need of such person is determined in accord with Section 44-209.)
- i. The person is living in a board and room arrangement unless the board and room living arrangement with attendant service is essential to an approved rehabilitation plan.

DO NOT WRITE IN THIS SPACE

Effective 7/10/70

CONTINUATION SHEET  
R FILING ADMINISTRATIVE REGISTRATION  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB  
ATD  
OAS

j. The individual in need of service lives alone. Exception to this exclusion may be made if:

- (1) The recipient is ambulatory, mentally able to manage the grant and supervise the attendant or this supervision is provided by a professional homemaker service, or
- (2) A relative of demonstrated concern and responsibility or a guardian of the person or a long time close friend who acts as a member of the family, lives in the immediate vicinity and will supervise the attendant, or
- (3) The need is occasioned by a temporary impairment requiring attendant service of a short time nature.

k. The county provides homemaker services for all or a portion of the same month.

.22 Persons Eligible for Attendant Services

Except when excluded under .21 above, a person is eligible for attendant services if:

- a. He is unable to care for himself because of mental or physical disability, and

Effective 7/10/70

DO NOT WRITE IN THIS SPACE



CONTINUATION SHEET  
R FILING ADMINISTRATIVE REGISTRATION  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB  
ATD  
OASb. One or more of the following conditions exist:

- (1) He is receiving inadequate care because his family cannot provide the needed service;
- (2) His care creates an excessive burden on the major caretaker or on neighbors or others performing the essential service, or
- (3) He is living alone and performing essential services to the detriment of his health or in a substandard or hazardous manner.

Eligibility for attendant services shall be determined on the basis of a current medical examination with a report from the examining physician and a social study which includes an evaluation of the individual's living plan, the reasons for this plan and the type and amount of services required. In assessing this plan priority for attendant care shall be given to those persons who would have to enter an out-of-home care facility without this special need.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
R FILING ADMINISTRATIVE REGISTRATION  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB  
ATD  
OAS.23 Maximum Allowances

- .231 Except as provided in Item .234 below the maximum allowance for attendant service (regardless of the number of attendants) shall be \$75 per month per household if one recipient requires such services. When two or more recipients in the same household require attendant services the maximum allowance to each recipient for such service shall be limited to \$50.
- .232 Basic public assistance principles of grant computation in shared housing shall apply when need for attendant services is shared with another person or persons in the household.
- .233 The maxima include carfare, meals, Workmen's Compensation, and social security deductions (including both the employer's and employee's tax for part-time attendant services; the employer's tax alone for full-time attendant services).

DO NOT WRITE IN THIS SPACE

Effective 7/10/70

CONTINUATION SHEET  
R FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB  
ATD  
OAS  
.234 In exceptional social circumstances the standard is the actual cost up to \$150. When two or more recipients in the same household require attendant services, the allowance in the assistance group to each recipient for such services shall be limited to a maximum of \$125.

The total cost of the individual plan shall be carefully weighed in relation to the comparative cost of out-of-home care and the social gains that might be realized in helping the person remain in his own home. A reasonable financial plan shall be assured. Exceptional circumstances shall be limited to the following:

- a. An attendant is needed to provide personal care for more than one recipient in the same household, or to act as a homemaker for a recipient who is an incapacitated parent with one or more children living in the home, or
- b. The recipient has very severe, relatively static disability and requires full-time, predominantly personal care services in addition to those the family are able to provide, or
- c. A person who has lived alone must enter an out-of-home care facility to secure appropriate care but needs a full-time attendant during a short interim period while change is effected in the living plan.

.24 Authorization and Reauthorization

.241 Authorization of Attendant Services for Designated Intervals

Authorization of attendant services for a designated interval shall be made by agency staff responsible for medical social determinations, specifying the amount and kind of services \_\_\_\_\_ required.

Effective 7/10/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB  
ATD  
OAS

The county welfare department shall establish a plan whereby a new medical report and current social history shall be secured and reviewed by appropriate staff, at designated intervals prior to reauthorization.

.242 Reauthorization of Attendant Services

Reauthorization of attendant services shall be required every three or six months, according to a plan which takes into account the anticipated rate of progression of the recipient's medical condition and the initiative of the family in supervising the attendant and reporting any changes.

.25 Cases Subject to Review

All attendant services cases are subject to periodic SDSW review. Records shall be identified to permit such review in a convenient fashion.

DO NOT WRITE IN THIS SPACE

Effective 7/10/70

CONTINUATION SHEET  
 R FILING ADMINISTRATIVE REGI TIONS  
 WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111

PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME  
 (Continued)

44-111

AB  
APSB  
ATD  
OAS  
AFDC

.422 Designated needs within the meaning of this section include:

a. Housing Approved for Federal Rent Supplements Under the Housing Act of 1965

When the recipient qualifies for a rent supplement under the Federal Housing Act of 1965, the rent supplement payment made by the federal agency, on behalf of the recipient, to the landlord or sponsor, is disregarded as income. The amount so disregarded shall not exceed the difference between his rent as approved by the FHA and the amount included in the assistance grant for housing.

AB  
APSB  
ATD  
OAS

b. Prepaid Medical or Hospital Care

A prepaid medical or hospital care plan is not included in the assistance standard but is recognized as a resource in meeting medical needs of the recipient. Accordingly, voluntary contributions which are available only to meet payments on prepaid medical or hospital care for the recipient are disregarded as income.

c. Out-of-Home Care

When the charge for care in a nonmedical out-of-home care facility exceeds the state established maximum for Group I or Group II care (see Section 44-209), county supplementation or voluntary contributions are disregarded as income, subject to the following limitations:

- (1) The county has determined that adequate care for the individual is not available in the community within the appropriate state established maximum and has determined the minimum amount for which adequate care for the individual is available.

When the "minimum amount for which adequate care is available," exceeds the state established maximum for care, as provided in Section 44-209.3, that excess shall be deemed to be for a "service not covered by an assistance allowance" within the meaning of W&IC Section 11010.

The facts supporting the county's determination of the "minimum amount for which adequate care is available" shall be recorded in the county and shall be kept current and available for review by the SDSW upon request.

DO NOT WRITE IN THIS SPACE

Effective 7/10/70

**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME  
(Continued)

44-111

AB  
APSB  
ATD  
OAS

(2) The total amount of voluntary contributions or county supplementation excluded from consideration as income is the difference between the state established maximum and the minimum amount for which adequate care of the individual is available but not to exceed \$70 a month. (This does not in any way modify the maximum need allowance which can be made for board and care as provided in Section 44-209.3, Section A. Rather, it represents the maximum amount of voluntary contributions and county supplementation which, in an individual case, shall be excluded from consideration as income when required to meet charges for care which exceed the state established maximum.)

(3) In determining the amount, if any, which shall be excluded from consideration as income for an individual the county shall consider:

(a) The care and services required and received by the individual.

(b) The approximate cost in the county of providing minimum but adequate care.

(c) The services provided by the facility within the basic charge for care and whether it is reasonable to expect that the recipient will use some or all of the allowance he receives for personal and incidental needs to apply on the charge for care. (See Item B in Section 44-209.3.)

The exclusion provided in this section does not apply to the recipient who is receiving care in a Family Care Home certified by the State Department of Social Welfare or to the recipient receiving care from a parent or an adult child in the home of such parent or child.

d. Domestic Services and Attendant Services

voluntary contributions to meet the cost of domestic services or attendant services are disregarded as income if the county has determined that:

Effective 7/10/70

**CONTINUATION SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**  
(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

AB  
APSB  
ATD  
OAS

- (1) Such services are necessary to enable the recipient to remain in his own home,
- (2) The individual's physical or mental disability precludes maintenance of a minimum standard of health and decency without such services, and
- (3) In the case of attendant services, adequate service to meet the individual's need cannot be obtained within the maximum allowance in the grant for attendant services. (See Reg. 44-239.)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME  
(Continued)

44-111

ATD .473 Funds Provided for Rehabilitation Plan

Funds provided by public and private agencies to assist in implementing a rehabilitation plan are exempt from consideration as income.

AFDC .474 Child's Income

The only income of a child which may be excluded from consideration as income to the family budget unit is that exempted under Sections 44-111.23 and 44-111.24.

Effective 7/10/70

CONTINUATION SHEET  
R FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed effective 7/10/70:

44-111.473 Fund Provided for Housekeeping and Attendant Care Services

DO NOT WRITE IN THIS SPACE



CONTINUATION SHEET  
R FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

## FINDING OF EMERGENCY

The revision of the State Department of Social Welfare Regulation 44-239 and 44-111, contained in the Eligibility and Assistance Standards Manual (EAS), are emergency measures necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

The following facts constitute the emergency:

1. Regulation 44-239 (EAS) governs special need allowance for attendant services for recipients of Old Age Security (OAS), Aid to the Blind (AB), and Aid to the Disabled (ATD).
2. State funds available for attendant services are restricted and limited by a closed-end appropriation. The appropriation for attendant services will be reduced by approximately \$10,000,000 for the fiscal year 1970/71.
3. In order to confine expenditures to the money amounts available, it is essential to establish stricter limitations on need allowances for attendant services. Revision of Regulation 44-239 (EAS), effective July 10, 1970, would provide for a judicious application of limited funds according to a priority based upon need.
4. To make provisions for at least partial compensation for the reduction required above, it is proposed that Regulation 44-111 (EAS) be revised, effective July 10, 1970 to permit voluntary contributions made on behalf of a recipient which are available only to meet the cost of attendant services be disregarded in determinations of a recipient's income.
5. A failure to adopt the above-described regulations with an effective date of July 10, 1970 would (a) constitute a failure to confine expenditures to the funds available in the state budget and (b) constitute a failure to allow to the full extent permissible the compensation of the required reduction through voluntary contributions.
6. Any failure to confine expenditures to the amounts provided by the Legislature and any failure to permit recipients and their families to alleviate the effect of reduced allowances so as to provide for maximum attendant care would necessarily affect the health, safety, and general welfare of the people of the State of California in general and of the recipient involved in particular.

These regulation revisions must be adopted and made effective on an emergency basis to facilitate the best utilization of available funds and to prevent hardship to many thousands of recipients.

DO NOT WRITE IN THIS SPACE

FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUL 10 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

JUL 10 1970

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: July 10, 1970

By: Robert Thwait

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

JUL 10 1970

At 2:15 o'clock P.M.

Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

## 30-503 INTRODUCTION AND PURPOSE (Continued)

30-503

AB

ATD

OAS

- .6 No allowance shall be made for homemaker service which is predominantly housekeeping or domestic labor.

## 30-504 State Allocation for Non-Federal Share

30-504

State funds for homemaker services shall be allocated to counties for specific time periods. It is strongly recommended that when the State allocation is exhausted that this service no longer be made available.

## 30-509 PURCHASE OF HOMEMAKER SERVICES (Continued)

30-509

- .36 The maximum payment allowed for homemaker services provided through contract with an individual shall be as follows:

.361 \$75 per month per household if one recipient requires such service, and \$50 per recipient when two or more recipients require such service in the same household.

.362 In exceptional social circumstances for one recipient in a household, the maximum payment shall not exceed \$150 per month. When two or more recipients in the same household qualify under exceptional social circumstances, the payment is limited to a maximum of \$125 per month per recipient.

Effective 7/10/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

## FINDING OF EMERGENCY

The revision of the State Department of Social Welfare Regulations 30-503, 30-504, and 30-509, contained in the required Service Programs Manual, are emergency measures necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency:

1. Regulations 30-503, 30-504, and 30-509 govern homemaker services for recipients of Old Age Security (OAS), Aid to the Blind (AB), and Aid to the Disabled (ATD).
2. State funds available for homemaker services are restricted and limited by a closed-end appropriation. The appropriation for attendant and homemaker services will be reduced by approximately \$10,000,000 for the fiscal year 1970/71.
3. In order to confine expenditures to the money amounts available, it is essential to establish stricter limitations on need allowances for homemaker services. Revision of Regulations 30-503, 30-504, and 30-509, effective July 10, 1970, would provide for a judicious application of limited funds according to a priority based upon need.
4. A failure to adopt the above-described regulations with an effective date of July 10, 1970, would constitute a failure to confine expenditures to the funds available in the state budget.
5. Any failure to confine expenditures to the amounts provided by the Legislature for homemaker services would necessarily affect the health, safety, and general welfare of the people of the State of California in general and of the recipient involved in particular.

These regulation revisions must be adopted and made effective on an emergency basis to facilitate the best utilization of available funds and to prevent hardship to many thousands of recipients.

DO NOT WRITE IN THIS SPACE

FACE SHEET  
 FILING ADMINISTRATIVE REGULATIONS  
 WITH THE SECRETARY OF STATE  
 (Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUL 14 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

JUL 14 1970

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
 (Agency)

Dated: July 14, 1970By: *R. A. Thurn*Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

JUL 14 1970

At 2:50 o'clock P. M.*J. P. Kelly*  
Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

## FINDING OF EMERGENCY

The following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Department Bulletin No. 656 - "Increases in Social Security Benefits"

The following facts constitute the emergency:

1. The Tax Reform Act of 1969 (P. L. 91-172) required that certain increases in Social Security benefits provided by that Act be disregarded in the computation of welfare benefits paid under the federally supported public assistance programs of Old Age Assistance, Aid to the Blind and Aid to the Needy Disabled. These disregard provisions were adopted into state regulations by Department Bulletin No. 655 and expired June 30, 1970.
2. Public Law 91-933, recently enacted by the United States Congress and signed into law by the President, requires the continued disregard of the benefits provided by the Tax Reform Act of 1969 from July 1, 1970 to October 31, 1970.
3. These benefits will affect the July 1970 grants of in excess of 300,000 welfare recipients.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

4. The regulations contained in the above-described Bulletin are necessary in order to require the counties to make the grant computations for July 1970 through October 1970 in accordance with the provisions of the Tax Reform Act as extended by Public Law 91-933.
5. Unless the regulations contained in the above-described Bulletin are adopted as emergency regulations, effective July 1, 1970, a failure promptly to implement the beneficial provisions of an Act of Congress might result.
6. Any denial of, or delay in making available the benefits conferred by Act of Congress, even temporarily, necessarily has an adverse effect upon the health, safety and general welfare of the persons affected and thereby the people of this state.

Adoption of the above-described Bulletin is, therefore, required effective July 1, 1970.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

DEPARTMENT BULLETIN NO. 656

EMERGENCY REGULATION GOVERNING THE CONTINUATION OF INCREASE IN SOCIAL SECURITY BENEFITS, AMENDMENTS TO SOCIAL SECURITY ACT, PL 91-933 (HR 14720) THROUGH OCTOBER 1970

Introduction

HR 14720, recently enacted by the U.S. Congress and signed into law by the President, as Public Law 91-933 on July 8, 1970, modifies PL 91-172 as it relates to increased social security benefits received by Old Age Security, Aid to the Blind and Aid to the Disabled recipients (See Department Bulletin #655 and Circular Letter #2409).

This law also accords similar treatment to future increases in railroad retirement benefits which may become law this year. HR 15733, a bill which would increase railroad benefits by 15%, was passed by the House of Representatives in April 1970, but the bill has not yet become law. Procedure for railroad retirement beneficiaries will be issued if and when an increase in these benefits is enacted by Congress.

Continued disregard

The law extends through October 1970 the period during which \$4 a month of social security income be disregarded in determining public assistance grants for Old Age Security, Aid to the Blind, and Aid to Totally Disabled recipients. If the increase in benefits provided under PL 91-172 was less than \$4, the amount disregarded is the amount of the increase rather than \$4.

Regulation

1. The disregard of \$4 a month originally provided only through June 1970 will be continued for an additional four months, i.e., July 1970 through October 1970.
2. If the disregard has been discontinued effective July, 1970, the disregard must be reinstated for each recipient of Old Age Security, Aid to the Blind, and Aid to the Totally Disabled, and those linked Medically-Needy to these categories.

Effective 7/1/70

DO NOT WRITE IN THIS SPACE

1 CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

## DEPARTMENT BULLETIN NO. 656 (Continued)

3. This disregard does not apply to Aid to the Potentially Self-Supporting Blind.
4. Notification to Recipients

A notice explaining the continued disregard of \$4 in grant or "share of cost" must be sent to each recipient. The usual Notice of Action must be sent for other changes in grant or other computation of the recipient's "share of cost."

Comment

Since time does not permit the State to print a form notice for this purpose, a suggested notification is attached which can be reproduced or a similar one prepared by the county.

Form notices may be used in those cases in which the recipient is notified only of the continued social security disregard, or if the only adjustment is to reinstate the continued disregard effective July 1, 1970.

This Bulletin expires October 31, 1970.  
Attachment

## ATTACHMENT

IMPORTANT NOTICE TO RECIPIENTS OF OLD AGE SECURITY, AID TO THE BLIND, OR AID TO TOTALLY DISABLED AND MEDICALLY-NEEDY LINKED WHO ALSO RECEIVE SOCIAL SECURITY BENEFITS

Earlier in the year when you received a 15% increase in your social security income, we informed you that \$4 of the increase, or less if the increase was less than \$4, would not be counted from April through June 1970.

We also told you that an adjustment would be made in your assistance grant in July 1970. However, the special provision in the federal law has been extended and the amount being disregarded, \$4 in most cases, will be continued through October 1970.

Effective 7/1/70

DO NOT WRITE IN THIS SPACE

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

**RECEIVED FOR FILING**

**JUL 14 1970**

Office of Administrative Procedure

**ENDORSED**

APPROVED FOR FILING  
(GOV. CODE 11380.1)

**JUL 14 1970**

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
(Agency)

Dated: July 14, 1970

By: *Robert M. ...*

Director  
(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

**JUL 14 1970**

At 2:50 o'clock P. M.

*J. P. ...*  
Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

10-203 STAFFING STANDARDS (Continued)

10-203

**.3 Number of Positions**

**.31 Staffing Standards**

There must be adequate numbers and suitable qualifications for personnel drawn from social work and other appropriate disciplines to plan, develop, and supervise public social services.

**.32 Justification of Staffing Standards in the County Plan**  
The County Plan submitted pursuant to Section 10-207 hereof must include:

- .321** The staffing pattern for professional positions carrying out the public social service functions; and
- .322** An explanation of how the quantity and quality of public social services will be maintained.

Effective 8/1/70

DO NOT WRITE IN THIS SPACE



CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

10-503 STAFFING STANDARDS

10-503

The number of eligibility worker and eligibility supervisor positions necessary to assure maintenance of acceptable performance levels in the income maintenance and eligibility control functions shall be determined by the county, taking into account the availability of clerical and other supportive processes, and shall be submitted in the county plan subject to approval by SDSW as standards which the county will maintain.

Maintenance of acceptable performance levels shall be measured by taking into consideration the findings of the eligibility control system, promptness in processing applications and paying aid, currency of reinvestigations, appropriateness of identification and referral of persons for service assessment, and such other factors as the SDSW shall establish as appropriate indicators of performance.

DO NOT WRITE IN THIS SPACE

Effective 8/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective 8/1/70:

Section 30-107 CASELOAD STANDARDS

Section 30-329 CASELOAD STANDARDS

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FINDING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11180.1)

## FINDING OF EMERGENCY

The amendments of Regulation 10-203.3 and the repeal of Regulation 30-107 and 30-329 are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency.

1. State Department of Social Welfare Regulations 10-203.3, 30-107 and 30-329 currently provide for certain caseload and staffing ratios for public social services. These ratios were in part predicated on federal requirements promulgated by the Secretary of the U. S. Department of Health, Education and Welfare beginning in 1962.
2. In 1969, federal regulations referred to above were modified, with respect to the Aid to Families with Dependent Children Program, to the effect that, in order to secure federal participation in administrative expenses, the states are no longer mandatorily required to maintain the caseload and staffing ratios established in 1962. In April of 1970, there were published in the Federal Register parallel modifications of caseload and staffing ratios applicable to the Old Age Security, Aid to the Blind and Aid to Needy Disabled Programs.
3. Thus, the state regulations referred to above currently provide caseload and staffing ratios higher than those maintained by current federal requirements. As a result, administrative expenditures of the several counties represented by casework and supervisory staff and the overhead expenses connected with such staff exceed those necessary under current federal regulations.
4. There is now pending in the Congress and specifically before the Appropriations Committee of the House of Representatives a bill which provides, among other things, for matching federal funds to defray the expenses of administration of public social services programs in the several states. This bill provides in part as follows:

"None of the funds contained in this title may be used for payments to any State for fiscal year 1971 for services, staff training, and administrative expenses under titles I, IV (part A), X, XIV, and XVI of the Social Security Act which, in the aggregate, exceed 110 percent of the aggregate amount estimated for these purposes for such State for fiscal year 1970, except where the Secretary determines that such a limitation would impair in a significant way the effective operation of the program involved."

5. The language quoted in the foregoing paragraph, if adopted by Congress, would have the effect of sharply limiting the extent to which matching federal funds become available to defray in part administrative expenses incurred by the several counties of the State of California.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

6. Unless the staffing and caseload standards referred to above are modified, it is highly probable that the several counties of the State of California will be compelled, in the light of limited federal participation as described above, to bear the entire burden of the administrative expenses of caseload increases which would cause county expenditures for the purpose to exceed the 110 percent proposed in the Appropriations Act referred to in paragraph 4 above, further aggravating the fiscal consequences described in paragraph 3 above.
7. A failure to modify the current regulations so that they will at the same time comply with present federal standards and permit the counties the flexibility needed by them to perform the public social services required by the Social Security Act and the Welfare and Institutions Code is tantamount to compelling the counties to raise out of local taxes administrative expenses not required as a condition for the receipt of matching federal funds.
8. Any failure to reduce county administrative expenses when permitted by state or federal laws or rules would manifestly have an adverse effect on the health, safety and general welfare of the people of the State of California.
9. Any failure to modify regulations to prevent possible increased county taxation, unless compelled by state or federal laws and rules, would likewise have an adverse effect on the health, safety and general welfare of the people of the State of California.
10. In order to prevent such adverse effect and in order to achieve the immediate preservation of the public health, safety and general welfare within the meaning of Section 11421(b) of the Government Code, it is, therefore, necessary that the amendments to Section 10-203.3 and the repeal of Section 30-107 and 30-329 of the regulations of the State Department of Social Welfare be adopted with an effective date of August 1, 1970.

It is, therefore, necessary that the amendments described above be adopted with an effective date of August 1, 1970.

DO NOT WRITE IN THIS SPACE

FACE SHEET  
FC FILING ADMINISTRATIVE REGULA NS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUL 16 1970

Office of Administrative Procedure

**ENDORSED**

APPROVED FOR FILING  
(GOV. CODE 11380.1)

JUL 16 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
(Agency)

Dated: July 16, 1970

By: *Robert Thwait*

Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

JUL 16 1970

At 2:45 o'clock P.M.

*J. P. Hill*  
Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

#### FINDING OF EMERGENCY

The following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

#### Operations Policies and Procedures Sections:

22-151.1	(revise)
22-151.3	(revise)
22-151.4	(revise)
22-153	(revise)
22-159	(revise)
22-163	(revise)
22-165	(revise)
22-169	(revise)

#### Eligibility and Assistance Standards Sections:

44-325.3	(revise)
44-325.41	(revise)
44-325.43	(repeal)
44-325.44	(renumber 44-325.43)
44-325.441	(renumber 44-325.431)
44-325.442	(renumber 44-325.432)
44-325.45	(renumber 44-325.44)
44-325.451	(renumber 44-325.441)
44-325.31	(repeal)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
1 FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

Eligibility and Assistance Standards Sections:

44-325.452	(renumber 44-325.442)
44-325.453	(renumber 44-325.443)
44-325.454	(renumber 44-325.444)
44-325.455	(renumber 44-325.445)
44-325.5	(new)
44-325.6	(new)

The following facts constitute the emergency:

1. On June 22, 1970, the United States District Court for the Northern District of California in the case of Wheeler v. Montgomery ordered defendant Robert Martin et al., as Director of the State Department of Social Welfare, to present to the court for approval, procedures and regulations conforming to Goldberg v. Kelly.

The United States District Court in Wheeler further ordered that public assistance may not be terminated, suspended, revoked or withheld until procedures and regulations conforming to Goldberg v. Kelly were presented to and approved by the court.

2. Regulations were adopted July 3, 1970, and submitted to the court for approval pursuant to the order. These regulations must now be amended to include omitted elements necessary to achieve conformity with Goldberg v. Kelly and to secure approval from the court.
3. The regulation revisions described above provide elements required for the court's approval.
4. The immediate promulgation of these revised regulations is required for the protection of public funds as, until such regulations are promulgated and approved by the court, public assistance benefits must be paid to recipients otherwise ineligible to receive them.
5. Failure to adopt these revised regulations would also constitute a deliberate failure to comply with the law as interpreted by the United States District Court.
6. Therefore, the failure to adopt these regulations on an emergency basis would necessarily be contrary to the health, safety and general welfare of the people of this state.

Adoption of the above-described regulations is required effective immediately upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
1 FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

## 22-151 DEFINITIONS - EVIDENTIARY HEARINGS

22-151

.1 Evidentiary Hearings

An evidentiary hearing is an administrative hearing procedure which provides the dissatisfied recipient an opportunity to present his case directly to the county welfare department. An opportunity for an evidentiary hearing is available to any recipient who has been notified that his assistance shall be discontinued, terminated or withheld. Assistance is continued pending disposition of the case by decision in all cases where an evidentiary hearing has been requested.

## 22-151 DEFINITIONS - EVIDENTIARY HEARINGS (Continued)

22-151

.3 Filing Date of the Evidentiary Hearing

The filing date of the evidentiary hearing is the date the request for evidentiary hearing is received in any office of the county welfare department which has proposed the discontinuance, termination or withholding of assistance.

.4 Impartial Decision Maker

The impartial decision maker is a person assigned by the county welfare department to conduct evidentiary hearings and prepare proposed decisions. Such person shall be one who has not been directly involved in the initial determination to discontinue, terminate or withhold assistance.

## 22-153 RIGHT TO EVIDENTIARY HEARING

22-153

A dissatisfied recipient may request an evidentiary hearing when the proposed determination to discontinue, terminate or withhold his aid rests upon a factual premise or on the application of rules or policies to the facts of his particular case.

A dissatisfied recipient is not required to exhaust other county adjustment procedures before applying to the county welfare department for an evidentiary hearing.

## 22-159 TIME LIMIT ON REQUESTS FOR EVIDENTIARY HEARING

22-159

The request for evidentiary hearing must be filed by the recipient no less than seven (7) working days after notice of proposed discontinuance, termination or withholding of assistance is received by him. In computing the seven-day period, both terminal days as well as Saturdays, Sundays and holidays shall be excluded.

DO NOT WRITE IN THIS SPACE

Effective 7/16/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-163 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - CONTINUED 22-163  
ASSISTANCE PENDING EVIDENTIARY HEARING DECISION

Upon receipt of the request for an evidentiary hearing, the county shall not discontinue, terminate or withhold assistance prior to the date notice of the decision is sent to the recipient and his authorized representative, if any, or prior to the proposed effective date of discontinuance, termination or withholding, whichever occurs later.

22-163 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - CONTINUED 22-163  
ASSISTANCE PENDING EVIDENTIARY HEARING DECISION (Continued)22-165 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - SETTING THE 22-165  
HEARING (Continued).2 Place of Hearing

The place of hearing shall be the county seat of the county welfare department which has proposed discontinuance, termination or withholding action unless the county seat is unsuitable due to the health of the recipient.

22-165 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - SETTING THE 22-165  
HEARING (Continued)22-169 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - THE 22-169  
EVIDENTIARY HEARING - GENERAL RULES AND PROCEDURES (Continued).4 Availability of Evidence

The recipient and his legal counsel or other authorized representative, if any shall, upon request, be given the opportunity to examine, before and during the hearing, all evidence used by the county welfare department in making its determination to discontinue, terminate or withhold assistance and all documentary evidence that will be used at the hearing.

22-169 COUNTY WELFARE DEPARTMENT RESPONSIBILITY - THE 22-169  
EVIDENTIARY HEARING - GENERAL RULES AND PROCEDURES (Continued)

DO NOT WRITE IN THIS SPACE

Effective 7/16/70



CONTINUATION SHEET  
F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

AB  
ATD  
OAS  
AFDC

.3 Discontinuance

If a recipient's circumstances change to the extent that he no longer meets the eligibility requirements, aid shall be discontinued effective the last day of the month for which the last payment was made subject to Chapter 22-150. (See EAS Section 40-183.4 regarding appropriate action when the recipient is no longer eligible to a cash grant but remains eligible to medical assistance as a medically needy person.)

The recipient, the parent or other person responsible for the child in AFDC shall be notified of the proposed discontinuance in accordance with Section 44-325.61.

.4 Withheld Payment

.41 Withheld Payment - Defined

A withheld payment is one which is held beyond the usual delivery date while information concerning needs, income or basic eligibility is investigated, subject to Chapter 22-150.

The recipient, the parent or other person responsible for the child in AFDC shall be notified of the proposed withholding in accordance with Section 44-325.61.

44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

.43 Investigation and Time Limitations

- .431 Evidence raising doubt concerning eligibility or the correctness of grant is to be evaluated, and any needed investigation initiated and completed promptly, regardless of whether there is basis for withholding an aid payment. Such investigation must be completed and appropriate action with respect to the grant taken, within not more than 30 calendar days after the date on which the information which raised doubt concerning eligibility or the grant was received by the county. (See Section 40-155.2 regarding Methods of Investigation.)

DO NOT WRITE IN THIS SPACE

Effective 7/16/70

CONTINUATION SHEET  
F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

AB  
ATD  
OAS  
AFDC

.432 Aid payment for a second month may be withheld when the investigation is completed and the facts regarding continuing eligibility or correctness of grant are established too late in the 30-day period:

- a. To permit any necessary discontinuance of aid prior to the second month unless the aid payment is withheld, or
- b. To permit necessary adjustment in the aid payment where eligibility continues but to a lesser amount, and delay in the adjustment for another month would result in overpayment which could not be adjusted.

When aid is withheld for a second month the withheld warrants shall be reissued in the correct amount and delivered to the recipient within a maximum of ten calendar days following the normal due date for the second withheld warrant, or delivered to the recipient and a current cash adjustment obtained from him. (See Section 44-333.12.)

.44 Action on Withheld Aid Payment Following Investigation

- .441 Investigation Establishes Recipient Eligible to Receive Aid and That Withheld Payment Was in Correct Amount

The withheld payment shall be delivered immediately and aid payment continued. (If the recipient was eligible on the first day of the month aid shall be paid for the entire month.)

- .442 Investigation Establishes Eligibility but That Aid should Be Paid in An Amount Less Than the Withheld Payment

The withheld payment shall be delivered, provided any resulting overpayment can be adjusted within the adjustment period. In such case at the time the withheld warrant is delivered, the recipient shall be informed regarding the future grant adjustment(s) which must be made. If the resulting overpayment cannot be adjusted in the adjustment period, the withheld payment shall be canceled and reissued and any indicated change made in the continuing grant.

- .443 Investigation Establishes Recipient Was Ineligible to Withheld Payment but Continues Eligible to Aid

The withheld payment is canceled and such cancellation is not considered an interruption in the authorization for payment.

Effective 7/16/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

AB  
ATD  
OAS  
AFDC

.444 Investigation Establishes Ineligibility to Withheld Payment and to Continuing Aid

a. Aid was withheld because of probable ineligibility.

Both the cash grant payment and certification for medical assistance are discontinued retroactively effective the last day of the last month for which a cash grant payment was made. The withheld cash grant payment is canceled.

b. Aid was withheld solely for the purpose of determining the amount of aid to which the recipient was eligible but he subsequently was found to be ineligible.

There are two discontinuance dates both which must be entered on the document discontinuing aid.

The cash grant payment is discontinued retroactively effective the last day of the last month for which a cash grant payment was made and the withheld payment is canceled.

Medical assistance is discontinued effective the last day of the last month for which aid was withheld. (This later discontinuance date is necessary because such recipient continued to be certified for medical assistance as a public assistance recipient during the period aid was withheld.)

.445 Investigation Not Completed at End of 30 Days

a. Preponderance of Evidence Indicates Recipient Is Ineligible.

Aid is discontinued in the manner specified in Section .444 above.

b. Basic Eligibility Not in Question but There is Still an Unresolved Question Regarding the Amount of Aid to Which Recipient is Eligible.

The withheld warrant and, if indicated, the continuing grant are adjusted on the basis of the best available information and the payments issued to the recipient, the investigation continues and when completed appropriate adjustment is made.

DO NOT WRITE IN THIS SPACE

Effective 7/16/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

AB  
ATD  
OAS  
AFDC.5 Decreased Payment

Payment is decreased when a recipient's circumstances change to the extent that he is no longer entitled to a grant in the amount he presently receives, or a probable overpayment has occurred which can be adjusted by decreasing the grant. (Section 44-335) The recipient, the parent or other person responsible for the child in AFDC shall be notified of the proposed decrease in accordance with Section 44-325.62.

.6 Notification.61 When aid payment is to be discontinued, terminated or withheld.

The recipient, the parent or other person responsible for the child in AFDC, shall be notified in writing immediately upon the initial decision being made to discontinue or terminate assistance, or to withhold a warrant beyond its usual delivery date for any reason other than death, and in no case, less than seven (7) days prior to the effective date of the discontinuance, termination or withholding. In computing the seven-day period, both terminal days as well as Saturdays, Sundays and holidays shall be excluded. Every notification shall include:

- .611 A full explanation of the reasons and grounds for the proposed discontinuance, termination or withholding of assistance together with what information, if any, is needed to resolve the questioned eligibility; the case-worker's personal explanation if needed.
- .612 A statement informing the recipient of his right to an evidentiary hearing pursuant to Chapter 22-150; that if the recipient requests an evidentiary hearing, his assistance will not be discontinued, terminated or withheld until notice of the hearing decision is sent to him.
- .613 A statement of whether, if aid is withheld, the recipient will or will not continue to be certified for medical assistance, during the month aid is withheld.
- .614 A statement informing the recipient of the legal resources in the community.

.62 When aid payment is to be decreased.

The recipient, the parent or other person responsible for the child in AFDC, shall be notified, in writing, immediately upon the initial decision being made to decrease assistance, and in no case less than seven (7) mail delivery days prior to the usual delivery date of the warrant to the recipient. The county shall give such notice as it has reason to believe will be effective including, if necessary, a home call by appropriate personnel. Every notification shall include:

Effective 7/16/70

DO NOT WRITE IN THIS SPACE

1 CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11380.1)

44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

- .621 A statement setting forth the proposed action and the grounds therefor, together with what information, if any, is needed or action required to reestablish eligibility or to determine a correct grant.
- .622 Assurance that prompt investigation is being made; and that the evidence or other information which brought about the decrease will be freely discussed with the recipient, parent, or other person, his legal counsel or other authorized representative, if he so desires (see Section .623 below).
- .623 A statement that the recipient, parent, or other person, his legal counsel or other authorized representative, may have the opportunity to meet with his caseworker, an eligibility worker, or another responsible person in the county department, at a specified time, or during a given time period which shall not exceed seven (7) working days, and the last day of which shall be at least one (1) day prior to the usual delivery date of the warrant, and at a place specifically designated in order to enable the recipient, parent, or other person:
- (a) To learn the nature and extent of the information on which the decrease is based;
  - (b) To provide any explanation or information, including, but not limited to that described in the notification pursuant to Section .621 above;
  - (c) To discuss the entire matter informally for purposes of clarification and, where possible, resolution.
- .624 A statement that the conference provided for under this section in no way diminishes the recipient's right to a fair hearing.

DO NOT WRITE IN THIS SPACE

Effective 7/16/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective 7/16/70:

Section 44-325.31 Notification

Section 44-325.43 Notification to Recipient When Aid Payment is to be  
Withheld or Reduced

DO NOT WRITE IN THIS SPACE

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**RECEIVED FOR FILING**

**JUL 27 1970**

Office of Administrative Procedure

**ENDORSED**

APPROVED FOR FILING  
 (GOV. CODE HEBD.A)

**JUL 27 1970**

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: July 27, 1970

By: *R. Mait*

Director

(Title)

**FILED**

In the office of the Secretary of State  
 of the State of California

**JUL 27 1970**

At 4:10 o'clock P. M.

*W. P. Hill*

Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

The amendments to Sections 30-509, 44-111.47 and 44-239 and the repeal of Sections 30-503.6, 30-504 and 44-111.422d of the regulations of the State Department of Social Welfare are emergency measures necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency:

1. Emergency regulations amending and adopting respectively the regulations listed above were adopted on an emergency basis and filed with the Secretary of State on July 10, 1970.
2. Upon implementation of the regulatory changes described above, it was noted that, contrary to expectations based on advance study, and contrary to the express purpose of the amendments, numerous recipients of public social services were placed in danger of losing homemaker and attendant care services essential to them.
3. In certain instances, loss of such services described in the foregoing paragraph would be detrimental to the health, safety and general welfare of the persons affected.
4. Likewise in certain instances, the loss of homemaker and attendant care services would prevent recipients of public social services from living in their own homes, and necessitate out-of-home care. This would not only increase program costs but also be contrary to the purpose of homemaker and attendant care programs.
5. A failure to restore immediately the regulations governing homemaker and attendant care services to their condition prior to July 10, 1970 would have an adverse effect upon the public health, safety, and general welfare of the people of the State of California.

DO NOT WRITE IN THIS SPACE

1 CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The amendments to Sections 30-509, 44-111.47 and 44-239 and the repeal of Sections 30-503.6, 30-504 and 44-111.422d must therefore be adopted and made effective immediately upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE



CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-500 PURCHASE OF HOMEMAKER SERVICES (Continued)

30-500

.36 The maximum payment allowed for homemaker services provided through contract with an individual shall be determined in accordance with one of the following provisions:

.361 When the homemaker is providing service to one eligible person in the household, the maximum payment shall be \$100 per month;

.362 When the homemaker is providing service to two or more eligible persons in the same household, the maximum payment shall be \$150 per month for homemaker services for each recipient;

.363 In exceptional social circumstances, the maximum payment shall be \$300 per month when the homemaker is providing service to one eligible person in the household; or

.364 In exceptional social circumstances in which the homemaker is providing service to two or more eligible persons in the same household, the maximum payment shall be \$200 per month for homemaker services for each recipient.

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME  
(Continued)

44-111

AB  
APSB  
ATD  
OAS

(2) The total amount of voluntary contributions or county supplementation excluded from consideration as income is the difference between the state established maximum and the minimum amount for which adequate care of the individual is available but not to exceed \$70 a month. (This does not in any way modify the maximum need allowance which can be made for board and care as provided in Section 44-209.3, Section A. Rather, it represents the maximum amount of voluntary contributions and county supplementation which, in an individual case, shall be excluded from consideration as income when required to meet charges for care which exceed the state established maximum.)

(3) In determining the amount, if any, which shall be excluded from consideration as income for an individual the county shall consider:

(a) The care and services required and received by the individual.

(b) The approximate cost in the county of providing minimum but adequate care.

(c) The services provided by the facility within the basic charge for care and whether it is reasonable to expect that the recipient will use some or all of the allowance he receives for personal and incidental needs to apply on the charge for care. (See Item B in Section 44-209.3.)

The exclusion provided in this section does not apply to the recipient who is receiving care in a Family Care Home certified by the State Department of Social Welfare or to the recipient receiving care from a parent or an adult child in the home of such parent or child.

REPEAL d.

Effective 7/27/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

ATD .473 Fund Provided for Housekeeping and Attendant Care Services

Funds provided solely for housekeeping and attendant care services are not considered as income available to meet other needs. Payment for these services shall be at the usual community rate and the total cost shall not exceed \$300 per month. (See Department Bulletin No. 632 Revised.)

.474 Funds Provided for Rehabilitation Plan

Funds provided by public and private agencies to assist in implementing a rehabilitation plan are exempt from consideration as income.

AFDC .475 Child's Income

The only income of a child which may be excluded from consideration as income to the family budget unit is that exempted under Sections 44-111.23 and 44-111.24.

AB 44-239 SPECIAL NEED FOR ATTENDANT SERVICES

44-239

ATD  
OAS

Special need shall be allowed within the limitations set forth in this section. (See also Section 44-315.32.)

These regulations set forth the requirements for attendant care for all adult aids. The intent is to ensure realistic attendant care plans that are medically and financially sound, as well as socially desirable.

AB .1 Definition of Terms

ATD  
OAS

.11 Attendant services are domestic or personal care services provided in the recipient's own home. They include the services of practical and licensed vocational nurses. Payments may not be made for services which fall within the scope of the Medical Care program -- i.e., professional and ancillary services provided on a visit basis.

.111 Domestic services include:

- a. Housekeeping or domestic labor, and
- b. Homemaker service, which adds household management functions to some domestic labor.

.112 Personal care services include assistance with bathing, dressing, and other activities of daily living, and simple nursing responsibilities such as preparation of special diet, assistance in ambulation, changing the bed, assistance with simple dressings, assistance to and supervision of an individual whose memory is faulty, first aid, etc.

They do not include skilled nursing services such as tube feeding, care of catheters or colostomies, administration of medication, surgical dressings, or care of acutely disturbed persons.

DO NOT WRITE IN THIS SPACE

Effective 7/27/70

CONTINUATION SHEET  
 R FILING ADMINISTRATIVE REGISTRATION  
 WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

.12 Own Home

"Own home" is to be interpreted broadly to include living arrangements where the recipient lives alone in his home, apartment, hotel, etc., or where he shares living arrangements with another person or persons. A "shared living arrangement" is defined as one where there is sharing of a living unit and no landlord-tenant relationship exists between the parties living together.

If the recipient is living in an out-of-home care facility or in some other person's home, receiving from the person or persons in whose home he lives, care or services other than normally associated with a landlord-tenant relationship, need is determined in accord with Section 44-209 (Needs of Recipients in Nonmedical Out-of-home Care Facilities).

AB  
ATD  
OAS

.2 Requirements and Limitations

.21 Allowance for Attendant Services - Special Circumstances

.211 Attendant Service Provided by a Parent, Spouse, or Adult Child

AB  
OAS

Allowance shall not be made for attendant services provided by a parent, spouse, or adult child unless such relative is able to work but is unable to accept employment or must relinquish employment in order to care for the disabled recipient.

ATD

Allowance of attendant service shall not be made for a parent of an ATD recipient under the age of 21 serving as the attendant nor for the spouse of an ATD recipient serving as the attendant when the recipient is living with such relative. The limitations set forth in the paragraph above govern allowances for attendant services provided by a parent or by an adult child if the ATD recipient is over 21 or if he receives such attendant services from a parent or adult child with whom he does not live.

AB  
OAS  
ATD

.212 Recipient in Out-of-Home Care Living Arrangement

Payment for attendant services is not allowable to persons in public or private medical institutions, nursing homes, rehabilitation facilities, family care homes or institutions.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB  
ATD  
OAS

.22 Cases Subject to Review

All attendant services cases are subject to periodic SDSW review. Records shall be identified to permit such review in a convenient fashion.

.23 Authorization and Reauthorization

.231 Authorization for Predominantly Domestic Services

Predominantly domestic services in an amount up to \$50 per month may be authorized for any recipient whose disability, in the judgment of the county welfare department, precludes maintenance of a minimum standard of health and decency without such services. Items .232 through .6 of this section are not applicable to services allowed under this item.

.232 Authorization of Attendant Services for Designated Intervals

Authorization of attendant services for a designated interval shall be made by agency staff responsible for medical social determinations, specifying the amount and kind of services (predominantly domestic or predominantly personal care) required.

The county welfare department shall establish a plan whereby a new medical report and current social history shall be secured and reviewed by appropriate staff, at designated intervals prior to reauthorization.

.233 Reauthorization of Attendant Services

Reauthorization of attendant services shall be required every three, six or twelve months, according to a plan which takes into account the anticipated rate of progression of the recipient's medical condition and the initiative of the family in supervising the attendant and reporting any changes. Homemaker or personal care services shall be continued for no longer than a six-month period without reauthorization.

DO NOT WRITE IN THIS SPACE

Effective 7/27/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-239

## SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB  
ATD  
OAS.24 Persons Eligible for Attendant Services

Eligibility shall be determined on the basis of a current medical examination with a report from the examining physician, and a social study which includes a statement of the recipient's preferences, a description of the physical facilities and family attitudes toward the care of the recipient at home. Persons eligible for attendant services are those persons who are not able to care for themselves by virtue of disability and

.241 whose care creates an excessive burden for the major caretaker, or who are receiving inadequate care because the family cannot provide the necessary services, or

.242 who are living alone and dependent on neighbors or others for essential services, or performing essential services to the detriment of their health or in a substandard or hazardous manner.

.25 Ineligibility for Attendant Services

Ineligibility for attendant service exists under the following conditions:

.251 No person may receive attendant services whose condition requires continuous skilled nursing services and/or close medical supervision, and whose well-being or that of the family requires the recipient to have hospital or nursing home care. This includes all persons in prolonged acute distress, those subject to frequent need of emergency treatment, and those in a rapidly progressive or terminal phase of illness.

.252 Further, no person living alone shall be provided with attendant services unless:

- (1) He is ambulatory, mentally able to manage the grant, and supervise the attendant unless this supervision is provided by a professional homemaker service, or
- (2) A relative of demonstrated concern and responsibility (or guardian of the person, or a long-time close friend who acts as a member of the family) lives in the immediate vicinity, or
- (3) The need is occasioned by a temporary impairment requiring attendant service of a short-time nature.

AB  
ATD  
OAS

.253 Attendant services are not allowable for persons in a board and room arrangement unless the board and room living arrangement with attendant services is essential to an approved rehabilitation plan.

AB  
ATD  
OAS

.254 Attendant services shall not be allowed in any case for any month in which the county provides homemaker services for that case.

DO NOT WRITE IN THIS SPACE

Effective 7/27/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-239

SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB  
ATD  
OAS.26 Maximum Allowances

- .261 Except as provided in Item .264 below the maximum allowance for attendant service (regardless of the number of attendants) shall be \$100 per month per household if one recipient requires such services; or \$150 per month per household if more than one recipient requires attendant services.
- .262 Basic public assistance principles of grant computation in shared housing shall apply when need for attendant services is shared with another person or persons in the household.
- .263 The maxima include carfare, meals, Workmen's Compensation, and social security deductions (including both the employer's and employee's tax for part-time attendant services; the employer's tax alone for full-time attendant services).
- .264 In exceptional social circumstances the standard is the actual cost up to \$300. When two or more recipients in the same household require attendant services, the allowance in the assistance group to each recipient for such services shall be limited to a maximum of \$200 per month plus whatever additional funds are available under Regulation 44-111.473 (ATD only).

The total cost of the individual plan shall be carefully weighed in relation to the comparative cost of out-of-home care and the social gains that might be realized in helping the person remain in his own home. A reasonable financial plan shall be assured. Attendant care allowances in excess of \$150 for each recipient shall not be made if the resulting grant would be greater than the cost of the appropriate level of out-of-home care, unless exceptional circumstances warrant such an allowance. Exceptional circumstances shall be limited to the following:

- a. An attendant is needed to provide personal care for more than one recipient in the same household, or to act as a homemaker for a recipient who is an incapacitated parent with one or more children living in the home, or
- b. The recipient has very severe, relatively static disability and requires full-time, predominantly personal care, services in addition to those the family are able to provide, or
- c. A person who has lived alone must enter an out-of-home care facility to secure appropriate care but needs a full-time attendant during a short interim period while change is effected in the living plan.

DO NOT WRITE IN THIS SPACE

Effective 7/27/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective July 27, 1970:

30-503.6

30-504 State Allocation for Non-Federal Share

44-111.422 d.

DO NOT WRITE IN THIS SPACE

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JUL 31 1970

Office of Administrative Procedure

**ENDORSED**

APPROVED FOR FILING  
(GOV. CODE 11380.1)

JUL 31 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
(Agency)

Dated: July 31, 1970

By: Robert Heavitt

Director  
(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

JUL 31 1970

At 3:25 o'clock P.M.

W.P. Sullivan  
Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

REPEAL 34068. TEACHERS (ADULT SUPERVISORS) NUMBER ALL NURSERIES.

CHAPTER 6. BOARDING HOMES FOR CHILDREN AND AGING PERSONS

Article 1. General Provisions and Definitions

AMEND

40021. FAMILY DAY-CARE HOMES--CHILDREN. Family homes, non-institutional in character, which provide day care only, with or without compensation, for:

- a) not more than five children, including the family day care mother's own children, when the age range is infancy through six.
- b) not more than six children, when the age range is three through sixteen, including the family day care mother's own children.

A home may be licensed to care for children ranging in age from infancy through six or for those children three through sixteen.

An exception to these age groupings may be allowed when siblings are placed in the same home. However the total number of children in the home must not exceed the requirements as outlined above in a) and b).

DO NOT WRITE IN THIS SPACE

Effective 9/1/70



CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40021. (Continued)

The special circumstances allowing this must be on the license, with the names of the children spelled out.

AMEND

40023. SPECIAL DAY CARE HOMES--CHILDREN. Family homes, non-institutional in character, which provide day care only, with or without compensation, for from seven to ten children, aged three through sixteen, including children of the foster family through the age of sixteen.

AMEND

40261. TERMS OF THE LICENSE.

## 3. Boarding Homes for Children (24-hour care)

The license issued to a foster home for children shall specify (1) the age range and sex of the foster children and (2) the type of care authorized (i.e., "For 24-hour care only" or "For parent-child care only").

Unless requirements for a "Special license" are met, the number of foster children specified on the license and the number of children in the foster family less than 16 years of age shall not total more than six.

A license with a minimum age range of less than two years shall also specify the number of foster children under two years of age who can be accepted for care. Unless the requirements of Item 1 in Section 40523 can be met, this number shall not exceed the following:

1. NONE, if the foster family has two or more children UNDER two years of age.
2. ONE, if the foster family has one child UNDER two.
3. TWO, if there will be other children OVER two years of age in the home (i.e., own children or foster children).

Effective 9/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40261. (Continued)

Care of more than two children under two years of age shall be authorized only when there will be no other children in the home and an exception is warranted by some unusual factor (e.g., care required by three brothers and sisters under two years of age; care will be given by two adults, etc.).

When foster parents and/or other members of the household have claimed exemption from the requirements relating to intradermal tuberculin tests and chest X-rays on the basis of their religious faith, the license shall be limited to the care of children of the same faith. (See W&IC Sec. 16017).

For foster homes which operate a summer program for a larger number of children, the license shall clearly state both the number of children permitted for year-round care and the number of children permitted for summer care. If the summer capacity has not been determined at the time license is issued for year-round care, a new license shall be issued when the summer capacity is determined. This license shall indicate the number permitted for year-round care, as well as the number for whom summer care is authorized.

#### 4. Boarding Homes for Children (day care)

The license issued to a family day care home for children shall specify: (1) the age range and sex of the foster children and (2) the type of care authorized (that is, "For day care only").

The number of foster children specified on the license and the number of children in the family day care home, sixteen years of age or less, shall be as follows:

1. Infancy through six years: no more than two children under two, and no more than five in total, including the family day care mother's own children, except where siblings are to be placed in the same home. (See Sec. 40021)

Effective 9/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
I FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40261. (Continued)

2. Three through sixteen years: no more than six children, including the family day care mother's own children, except where siblings are to be placed in same home. (See Sec. 40021)

At no time can there be more than two infants under age two in the home, including the day care mother's own children.

When foster parents and/or other members of the household have claimed exemption from the requirements relating to intradermal tuberculin tests and chest X-rays on the basis of their religious faith, the license shall be limited to the care of children of the same faith. (See W&IC Sec. 16017).

For family day care homes which operate a summer program for a larger number of children, the license shall clearly state both the number of children permitted for year-round care and the number of children permitted for summer care. If the summer capacity has not been determined at the time license is issued for year-round care, a new license shall be issued when the summer capacity is determined. This license shall indicate the number permitted for year-round care, as well as the number for whom summer care is authorized.

#### CHAPTER 6. BOARDING HOMES FOR CHILDREN AND AGING PERSONS

##### Article 6. Standards for Boarding Homes for Children

ADOPT

40454. EMERGENCIES --FAMILY DAY CARE HOMES. For family day care homes, there shall be provision for another adult to be readily available on whom the family day care mother can call, in case of an emergency or illness, to provide temporary care for the children in the homes.

ADOPT

40456. ADDITIONAL HELP --FAMILY DAY CARE HOMES. If one or more children in the home require more than usual care because of emotional disturbance, retardation or other handicap, there shall be at least two adults providing care for the children in the home on a regular basis.

DO NOT WRITE IN THIS SPACE

Effective 9/1/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

ADOPT

40476. DAILY ACTIVITIES--FAMILY DAY CARE HOMES. In the family day care home the daily activities for each child shall be designed to develop a positive concept of self and motivation to enhance his social, cognitive and communication skills.

1. Each home shall have toys, games, equipment and material, books, etc. for educational development and creative expression appropriate to the particular age level of the children.

ADOPT

40484. DAILY EVALUATION FOR ILLNESS. The family day care mother must evaluate each child daily for illness, at the time the child arrives at the home.

AMEND

40487. ADVANCE ARRANGEMENTS FOR MEDICAL CARE. Advance arrangements must be made for the care of a child who is injured or becomes ill, including isolation if necessary, notification of his parents, and provisions for first aid and emergency medical care. The family day care mother shall have readily available the telephone number where the parent can be reached, as well as the name and telephone number of the child's physician.

Illness of a child shall be reported at once to the person or agency responsible for the child.

Effective 9/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

These regulations do contain building standards.

T22 AMEND  
40509 SPECIAL REQUIREMENTS FOR DAY CARE. Each family day care home shall provide space and equipment for free play, rest, privacy, and a range of indoor and outdoor activities suitable for the children's ages, and the number of children in the home.

- a. There shall be a separate room for toilet facilities.
- b. There shall be a separate area for cooking.
- c. There must be floors and walls which can be fully cleaned and maintained and which are nonhazardous to the children's clothes and health.
- d. There shall be ventilation and temperature adequate for each child's safety and comfort.
- e. Individual cots or beds shall be provided for rest periods and shall be at least three feet apart. Beds used by members of the household shall not be used by the children for rest periods except when:
  - 1) Special permission is given by the licensing agency and
  - 2) Clean covers are placed over the full length and width of the beds.
- f. Space shall be provided for the isolation of the child who becomes ill.
- g. There shall be provision for meeting the special needs of those handicapped children, if any, in the family day care home.

DO NOT WRITE IN THIS SPACE

Effective 9/1/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

AMEND These regulations do not contain any building standards.

## 40521. LIMITATION ON NUMBER OF CHILDREN--24-HOUR CARE.

1. The number of children in the home under sixteen years of age, including the children of the foster family, shall not exceed six, except with special approval of the licensing agency.

2. Licenses for 24-hour care will be issued for more than six children only when housing is adequate and the foster mother unusually capable. Under no circumstances will the license authorize the care of more than 15 children for 24-hour care, and six for parent-child care.

ADOPT

## 40522. LIMITATION ON NUMBER OF CHILDREN--FAMILY DAY CARE.

1. The number of children in the family day care home from infancy through six years shall be no more than two children under two and no more than five in total, including the family day care mother's own children through the age of sixteen.

2. The number of children in the family day care home from three through sixteen years shall be no more than six, including the family day care mother's own children through the age of sixteen.

3. The number of children in the special day care homes, ages three through sixteen years, shall never exceed ten children, and the ratio of adults to children shall not exceed one to six. No child under three shall be in this type of care. When one or more pre-school children are in this type of care, the ratio of adults to children shall be one to five.

DO NOT WRITE IN THIS SPACE

Effective 9/1/70

FOILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

Dated: August 25, 1970<sup>(Agency)</sup>

By: *Rakent Hunt*

Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

AUG 27 1970

At 2:05 o'clock P.M.

*740*  
Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

DECLARATION OF FORMAL ACTION TO ADJUST  
GRANT MAXIMA TO REFLECT COST OF  
LIVING INCREASES

Pursuant to provisions of Sections 12150, 12151, 12650, 12651, 13100, 13101, 13700 and 13701 of the Welfare and Institutions Code, the Consumer Price Index of the United States Bureau of Labor Statistics has been reviewed. The Consumer Price Index for California, computed as directed in the Welfare and Institutions Code is 135.7. The Statewide Index of 135.7 results in a \$6.00 cost-of-living increase for Old Age Security and Aid to the Disabled programs, and a \$7.00 cost-of-living increase for the Blind Aid programs effective December 1970. These increases are predicated on an average of the separate indices for Los Angeles and San Francisco as published by the United States Bureau of Labor Statistics for the previously selected base month of June, 1970.

Old Age Security:

The percentage increase of the June 1970 Consumer Price Index is 27.84 percent over the December 1961 base of 106.15. When applied to \$100, the increase is \$27.84; when \$21.50 which has already been given is deducted, the balance is \$6.34. The cost-of-living increase to be effective December 1970, rounded to the nearest dollar, is \$6.00.

Blind Aid Programs:

The percentage increase of the June 1970 Consumer Price Index is 30.92 percent over the December 1959 base of 103.65. When applied to \$115, the increase is \$35.56; when \$28.50 which has already been given is deducted, the balance is \$7.06. The cost-of-living increase to be effective December 1970, rounded to the nearest dollar is \$7.00.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
I FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

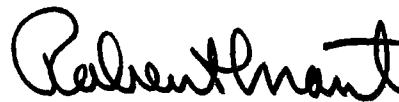
(Pursuant to Government Code Section 11380.1)

Aid to the Disabled:

The percentage increase of the June 1970 Consumer Price Index is 24.15 percent over the December 1963 base of 109.30. When applied to \$100, the increase is \$24.15; when \$18.50 which has already been given is deducted, the balance is \$5.65. The cost-of-living increase to be effective December 1970, rounded to the nearest dollar is \$6.00.

Based on the above finding, I, Robert Martin, as Director of the State Department of Social Welfare, hereby declare and direct that the maximum grants in the Old Age Security, Aid to the Blind, and Aid to the Potentially Self-Supporting Blind programs, and the maximum average grant in the Aid to the Disabled program be increased as set forth below, effective December 1, 1970:

	<u>From</u>	<u>Increased</u> <u>To</u>
Old Age Security, pursuant to Sec. 12150	\$130.00	<u>\$136.00</u>
Old Age Security, pursuant to Sec. 12151	195.00	<u>201.00</u>
Aid to the Blind, pursuant to Sec. 12650	152.00	<u>159.00</u>
Aid to the Blind, pursuant to Sec. 12651	202.00	<u>209.00</u>
Aid to Potentially Self-Supporting Blind pursuant to Sec. 13100	152.00	<u>159.00</u>
Aid to Potentially Self-Supporting Blind pursuant to Sec. 13101	202.00	<u>209.00</u>
Aid to the Disabled, pursuant to Sections 13700 and 13701 ( <u>Average</u> grants computed statewide for all recipients)	122.00	<u>128.00</u>



Director, State Department of Social Welfare

Date AUG 25 1970

DO NOT WRITE IN THIS SPACE



DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814



August 25, 1970

Secretary of State  
State Capitol, Room 117  
Sacramento, California 95814

Gentlemen:

Attached are five copies of the Declaration of Formal Action to Adjust Grant Maxima to Reflect Cost-of-Living Increases for all adult programs, to be filed in accordance with Sections 12150, 12151, 12650, 12651, 13100, 13101, 13700 and 13701 of the Welfare and Institutions Code. This document was signed by the Director of Social Welfare August 25, 1970.

This declaration is to be filed with the Secretary of State to become effective December 1, 1970.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert Martin".

Robert Martin  
Director

Attachments

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

AUG 23 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11009.1)

AUG 28 1970

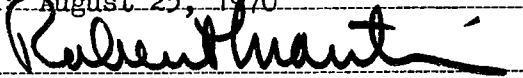
Office of Administrative Procedure

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare  
(Agency)

Dated: August 25, 1970

By:



Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

AUG 28 1970

At 3:50 o'clock P.M.



Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

### CHAPTER 3. DAY NURSERIES

#### Subchapter 4. Facilities Receiving Federal Funds

#### Article 1. Federal Requirements

#### ADOPT

#### 34301. COMPLIANCE WITH FEDERAL REQUIREMENTS

Every nursery operated by a public, voluntary, or proprietary organization which enters into a contract to accept children whose care is paid for from federal funds must meet Federal Interagency Day Care Standards as well as state licensing standards.

If the facility has one or more children for whom federal funds are received, it must meet federal staffing standards as outlined in Section 34303, as well as state standards set forth in previous subchapters of this chapter.

If a nursery has a substantial number of children enrolled in the facility for whom federal funds are received, it must meet all the standards as defined in this subchapter, as well as state standards. An operating agency is considered to be utilizing a substantial amount of federal funds when:

Effective 10/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

## 34301. COMPLIANCE WITH FEDERAL REQUIREMENTS (Continued)

1. 40 or more of the children enrolled are financed with federal monies; or
2. 25 percent or more of the children enrolled in the day care program are provided care with federal funds; or
3. 25 percent or more of the income of the center comes from a combination of federal and state or local matching funds.

ADOPT

## 34303. TEACHER-CHILD RATIO

- (a) There shall be an adequate number of qualified teachers on duty during the hours the nursery is in operation.
- (b) No group of children shall be left without adult supervision at any time.
- (c) For children three to four years old, there shall be no more than 15 in a group, with a teacher and sufficient assistants, supplemented by volunteers, so that the total ratio of adults to children is no less than one to five.
- (d) For children four to six years old, there shall be no more than 20 in a group with a teacher and sufficient assistants, supplemented by volunteers, so that the total ratio of adults to children is no less than one to seven.
- (e) For children six through fourteen years, there shall be no more than 25 in a group with a teacher and sufficient assistants, supplemented by volunteers, so that the total ratio of adults to children is no less than one to ten.

DO NOT WRITE IN THIS SPACE

Effective 10/1/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

ADOPT  
34305. HEALTH SERVICES

The operating or administering agency shall assure that the health of the children and the safety of the environment are supervised by a qualified physician.

Nurses or others with appropriate training may plan and supervise the health aspects of a day care program, but the total plan must be reviewed by a pediatrician or a physician especially interested in child health.

ADOPT  
34307. STAFF TRAINING

The operating or administering agency shall provide or arrange for the provision of orientation, continuous inservice training and supervision of all staff involved in the day care program.

ADOPT  
34309. ADVISORY COMMITTEE

Any agency which provides day care for 40 or more children shall have a policy advisory committee at the administrative level. The committee shall have not less than 50 percent parents or parent representatives, selected by the parents themselves by democratic methods. Other members shall include representatives of professional organizations or individuals who have particular knowledge or skills in children's and family programs.

ADOPT  
34311. PERSONNEL RECRUITMENT

Methods of recruiting and selecting personnel shall insure equal opportunity for all interested persons to file an application and have it considered within reasonable criteria. The methods for recruitment and selection of personnel shall provide for the effective use of nonprofessional positions, and for priority in employment to welfare recipients and other low-income people in filling these positions.

Where the administering agency contracts for services with private individuals or proprietary organizations, it must include contractual requirements designed to achieve the objectives of this action.

Effective 10/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

ADOPT  
34313.

## LICENSING PROCEDURE

- (a) The license issued to an agency shall designate that the day care facility meets:
- (1) State licensing standards, or
  - (2) Federal staffing standards, or
  - (3) Full federal standards
- (b) Newly licensed facilities shall meet these federal standards prior to accepting federal funds.
- (c) Existing programs shall meet federal standards on or before July 1, 1971, provided that commencing on October 1, 1970, they shall demonstrate an intent to comply in good faith with federal standards.

DO NOT WRITE IN THIS SPACE

Effective 10/1/70

FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

AUG 31 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: August 28, 1970

By:



Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

AUG 31 1970

At 2:50 o'clock P.M.



Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

In the Matter of a Demonstration in the )  
 Use of Office of Administrative Procedure )  
 Hearing Officers to Conduct Fair Hearings )  
 in Augmentation of the Services Provided )  
 by State Department of Social Welfare )  
 Referees )

ORDER

The previous ORDER dated August 19, 1969, concerning the use of Office of  
 Administrative Procedure Hearing Officers to conduct fair hearings in  
 augmentation of the services provided by State Department of Social Welfare  
 Referees is hereby extended through December 31, 1970.

Robert Martin  
 Director

Date: August 28, 1970

DO NOT WRITE IN THIS SPACE

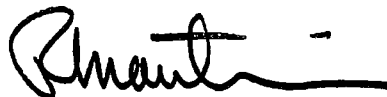
CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

LEGAL NOTICE

PROPOSED DEMONSTRATION PROJECT IN THE USE OF OFFICE OF ADMINISTRATIVE PROCEDURE  
HEARING OFFICERS TO CONDUCT FAIR HEARINGS IN AUGMENTATION OF THE SERVICES  
PROVIDED BY STATE DEPARTMENT OF SOCIAL WELFARE REFEREES

The previous ORDER dated August 19, 1969, concerning the use of Office of  
Administrative Procedure Hearing Officers to conduct fair hearings in augmentation  
of the services provided by State Department of Social Welfare Referees is hereby  
extended through December 31, 1970.



Robert Martin, Director  
State Department of Social Welfare

DO NOT WRITE IN THIS SPACE

**FACE SHEET**  
**FOR FILING ADMINISTRATIVE REGULATIONS**  
**WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

SEP 30 1970

Office of Administrative Procedure

**ENDORSED**

APPROVED FOR FILING  
 (GOV. CODE 11380.5)

SEP 30 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
 (Agency)

Dated September 29, 1970

By: *Robert H. Grant*

Director

(Title)

**FILED**

In the office of the Secretary of State  
 of the State of California

OCT 1 - 1970

At 3:40 o'clock P. M.

*W. H. Hall*  
 Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

The following regulations are to be repealed effective 11/1/70:

Division 12 Welfare Personnel Standards

Division 13 Merit System Regulations

DO NOT WRITE IN THIS SPACE



## DEPARTMENT OF SOCIAL WELFARE

744 P STREET  
SACRAMENTO 95814

RECEIVED FOR FILING

OCT 13 1970

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11886.2)

OCT 13 1970

FILED  
In the office of the Secretary of State  
of the State of California

OCT 13 1970

At 3:50 o'clock P.M.

Secretary of State

Office of Administrative Procedure

Office of Administrative Procedure

ORDER

- In the Matter of an Approach to  
Manpower Utilization by Means of  
Functional Specialization of Public  
Welfare Staff and the Use of an All-  
purpose Declaration of Eligibility

## I

Since the U.S. Department of Health, Education, and Welfare has advised in writing that a waiver of federal public assistance plan requirements under Section 1115 of the Social Security Act is not required in order to conduct and administer the project tests on the simplification of eligibility and grant operations, and staff utilization experiments, the State Department of Social Welfare proposes to conduct an experimental project, in and jointly with Marin County, for the period October 1, 1970, through September 30, 1971. Since the project became operational on October 1, 1970, it is the purpose and intent of this Order to provide project status and funding from that date. The purposes of the project are: 1) to obtain current performance data on the quantity and quality of Income Maintenance Services and Social Services under separated-simplified operations; 2) to further document the experience of the department in order to provide additional guidelines for counties planning changes, to identify operational problems and to pretest possible solutions to problems which are inherent in any new public welfare operational system; and 3) to test a new operational plan designed to get maximum efficiency in achieving social service and income maintenance objectives through delineated functional assignments and delegation of authority with responsibility rather than the traditional structure which emphasizes unit blocks based on levels of increasing line authority and accountability.

## II

In order to conduct and administer the project, it is necessary to waive the enforcement of certain laws and regulations governing the public assistance programs for a period not to exceed one year.

## III

For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code, I hereby waive the operation of the following statutes and regulations, but only in the manner and to the degree required by the nature of the project which became operational on October 1, 1970.

## ADMINISTRATIVE STANDARDS

- 10-051.1      Information and referral services regulations are modified to  
30-003      permit staff from the social services and the income maintenance  
             divisions to carry responsibilities appropriate to the functions  
             of the divisions.
- 10-203.75      Regulations are modified to permit aides in either the social  
10-203.76      services or the income maintenance divisions to carry assignments  
30-205.1      of assessed cases within the design of the project.

## PROGRAM STANDARDS - INCOME MAINTENANCE

- 10-501.3      The requirement for a face-to-face interview during the application  
             process and the reinvestigation process is waived to permit full  
             testing of the simplified eligibility method.
- 10-505.2      Use of simplified eligibility method is authorized on a test  
             basis in the AFDC program within this project.

## PROGRAM STANDARDS - SERVICES

- 30-105      Regulations are modified to test the use of a different staff  
30-106      structure and different staff requirements in protective services  
             for children within the project design.
- 30-150 et seq      Modification of the referral procedure for unemployed parents  
             to test various patterns of staff utilization within project  
             design.
- 30-210 et seq      Child Support Services
- Regulations requiring a specialized unit and setting for the  
             operation, staffing and organization standards are modified  
             within the design of the project to test various patterns of  
             staff utilization.
- 30-222.45      Regulation which requires administrative approval of each money  
             management payment plan is waived to allow delegation of authority  
             to Journeyman staff and sample post-audit reviews rather than  
             prior authorization accountability controls, in accordance with  
             project design.
- 30-508.64      Regulation is modified to allow test of program direction and  
             supervision requirements in the homemaker program, in accordance  
             with project design.

## ELIGIBILITY AND ASSISTANCE STANDARDS

- 40-115.21      Regulations requiring a face-to-face interview in all aids and  
40-131      a home visit in AFDC are modified in accordance with project  
40-161      design
- 40-181.32      Interview requirements as a routine part of the application and  
             reinvestigation procedures in AFDC are waived to permit full  
             testing of the simplified eligibility method.

41-315 Evidence of Property Value  
44-103.3 Income verification  
44-233 Evidence of Special Need

In the above sections and in all other sections requiring county review of evidence, these regulations are modified to provide for full testing of the simplified eligibility method. Verification by review of evidence is required only 1) according to Regulation 10-505.4, and 2) in the sample of cases validated by eligibility control.

42-211.21 Requires descriptive information on activity limitations by recipient and by the eligibility worker in addition to medical evidence. This requirement is modified to permit the elimination of the worker contact when the medical and client statements document apparent eligibility of the applicant or recipient as a disabled person, in accordance with project design.

42-330.3 Since this regulation specifically designates the social worker as responsible for determining incapacity in Aid to Families with Dependent Children program, it is modified to permit the delegation of this responsibility to income maintenance staff or to test the use of other staff in this capacity as part of the staff utilization studies.

42-511 Requirement of an interview for a determination of liability or non-liability of adult child is modified so that the interview is eliminated whenever the liability or non-liability can be established under the simplification of procedures of the project design.

48-000 et seq Records  
23-400 et seq Forms

Regulations are modified within project design to allow testing of methods of keeping records and case histories and to allow use of certain approved experimental forms in accordance with Regulation 23-401.3.

Division 25 Fiscal Management and Control

Regulations in this division are modified only to the extent necessary to be consistent with specific approved regulation waivers.

Division 26 Statistical Reports

Regulations requiring statistical data are modified to permit data collection in accordance with the project design except where notice is given to the county to meet federal reporting requirements.

Title 22 California Administrative Code

50315 Forms Requirements  
50455 Interview at time of application requirement  
50457 Declaration form requirement

Regulations are modified to permit further testing of the simplified eligibility method and the development and use of experimental forms.

STATUTES - WELFARE AND INSTITUTIONS CODE

- 11052.5      The required personal interview is waived to allow full testing of the simplified eligibility method.
- 11055        Provision for investigation of all applications for public assistance is modified by project provisions for field investigations in a sample of cases only.

IV

In addition to the specific regulations cited above, any regulation which requires or may be interpreted to require: 1) a routine interview; 2) verification or evidence to establish eligibility or need, except (a) in accordance with Regulation 10-505.4, or (b) as part of the sample field investigation; or 3) the assignment of specifically classified staff or a specific organizational unit to carry out operational functions, shall be waived to permit the full testing of the project objectives in accordance with project design.



Robert Martin  
Director

DATE: October 7, 1970

## LEGAL NOTICE

### PROPOSED PROJECT OF AN APPROACH TO MANPOWER UTILIZATION BY MEANS OF FUNCTIONAL SPECIALIZATION OF PUBLIC WELFARE STAFF AND THE USE OF AN ALL-PURPOSE DECLARATION OF ELIGIBILITY

Since the U.S. Department of Health, Education, and Welfare has advised in writing that a waiver of federal public assistance plan requirements under Section 1115 of the Social Security Act is not required in order to conduct and administer the project tests on the simplification of eligibility and grant operations, and staff utilization experiments, the State Department of Social Welfare proposes to conduct an experimental project, in and jointly with Marin County, for the period October 1, 1970, through September 30, 1971. Since the project became operational on October 1, 1970, it is the purpose and intent of this Order to provide project status and funding from that date. The purposes of the project are: 1) to obtain current performance data on the quantity and quality of Income Maintenance Services and Social Services under separated-simplified operations; 2) to further document the experience of the department in order to provide additional guidelines for counties planning changes, to identify operational problems and to pretest possible solutions to problems which are inherent in any new public welfare operational system; and 3) to test a new operational plan designed to get maximum efficiency in achieving social service and income maintenance objectives through delineated functional assignments and delegation of authority with responsibility rather than the traditional structure which emphasizes unit blocks based on levels of increasing line authority and accountability.

In order to conduct and administer the project, it is necessary to waive the enforcement of certain laws and regulations governing the public assistance programs for a period not to exceed one year.

For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code, I hereby waive the operation of the following statutes and regulations, but only in the manner and to the degree required by the nature of the project which became operational October 1, 1970:

#### Administrative Standards

10-051.1, 30-003, 10-203.75, 10-203.76, 30-205.1

#### Program Standards - Income Maintenance

10-501.3, 10-505.2

#### Program Standards - Services

30-105, 30-106, 30-150 et seq, 30-210 et seq, 30-222.45, 30-508.64

#### Eligibility and Assistance Standards

40-115.21, 40-131, 40-161, 40-181.32, 41-315, 42-211.21, 42-330.3, 42-511, 44-103.3, 44-233, 48-000 et seq, 23-400 et seq, Division 25, Division 26

#### Title 22, California Administrative Code

50315, 50455, 50457

#### Statutes - Welfare and Institutions Code

11052.5, 11055

In addition to the specific regulations cited above, any regulation which requires or may be interpreted to require: 1) a routine interview; 2) verification or evidence to establish eligibility or need, except (a) in accordance with Regulation 10-505.4, or (b) as part of the sample field investigation; or 3) the assignment of specifically classified staff or a specific organizational unit to carry out operational functions, shall be waived to permit the full testing of the project objectives in accordance with project design.

The cost of this project will be financed from funds previously appropriated for the 1970-71 fiscal year.

A handwritten signature in dark ink, appearing to read "Robert Martin", with a long horizontal flourish extending to the right.

Robert Martin, Director  
State Department of Social Welfare

F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

13  
OCT 13 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

OCT 13 1970

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: October 9, 1970

By:

*Robert H. Smith*

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

OCT 13 1970

At 3:50 o'clock P.M.

*W. H. Smith*  
Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT —  
OWN HOME (Continued)

44-207

AB  
ATD  
OAS

**.1 NEEDS CHART — RECIPIENT LIVING IN HIS OWN HOME**

**.11 Recipient Lives Alone**

Item	Allowance by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient . . . . .	\$ 92.00	\$ 92.00	\$ 92.00
Minimum needs related to age, blindness or disability . . . . .	30.00	11.00	17.00
Cost of living increase . . . . .	7.00	6.00	6.00
Minimum housing need . . . . .	30.00	--	21.00
<b>TOTAL . . . . .</b>	<b>\$159.00</b>	<b>\$109.00</b>	<b>\$136.00</b>
Housing allowance beyond minimum (Allowed if paid by recipient) . . . . .	\$ 0 - 33.00	\$ 0 - 63.00	\$ 0 - 42.00
Minimum and maximum <sup>1/</sup> need amounts . . . . .	\$159.00 192.00	\$109.00 172.00	\$136.00 178.00

<sup>1/</sup> For exceptions, see Section .21, below.

Effective 12/1/70

DO NOT WRITE IN THIS SPACE



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT —  
OWN HOME (Continued)

44-207

AB  
ATD  
OAS

.12 Recipient in Shared Living Arrangement

Item	Allowance by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient . . . . .	\$ 92.00	\$ 92.00	\$ 92.00
Minimum need related to age, blindness or disability . . . . .	30.00	6.00	17.00
Cost of living increase . . . . .	7.00	6.00	6.00
Minimum housing need . . . . .	30.00	—	21.00
TOTAL . . . . .	\$159.00	\$104.00	\$136.00
Housing allowance beyond minimum (Allowed if paid by recipient) . . . . .	\$ 0 — 15.00	\$ 0 — 45.00	\$ 0 — 24.00
Minimum and maximum <sup>1/</sup> need amounts . . . . .	\$159.00 174.00	\$104.00 149.00	\$136.00 160.00

<sup>1/</sup> For exceptions, see Section .21, below.

Effective 12/1/70

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
R FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF ST.**

(Pursuant to Government Code Section 11380.1)

**44-208 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT  
BOARD AND ROOM**

44-208

**AB  
ATD  
OAS**

**.1 Needs Chart — Recipient Living in Board and Room Arrangement**

Item	Allowances by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient . . . . .	\$ 55.00	\$ 55.00	\$ 55.00
Minimum needs related to age, blindness or disability . . . . .	21.00	6.00	10.00
Cost of living increase . . . . .	7.00	6.00	6.00
Minimum board and room . . . . .	76.00	..	65.00
<b>TOTAL . . . . .</b>	<b>\$159.00</b>	<b>\$ 67.00</b>	<b>\$136.00</b>
Board and room allowance beyond minimum (Allowed if paid by recipient) . . . . .	\$ 0 - 26.00	\$ 0 - 87.00	\$ 0 - 37.00
Minimum and maximum <sup>1/</sup> need amounts . .	\$159.00 185.00	\$ 67.00 154.00	\$136.00 173.00

<sup>1/</sup> See exception in .2, below.

**44-311 STATUTORY MAXIMUM GRANTS — ADULT PROGRAMS (Continued)**

44-311

**AB .111 Grant Maximum for the Blind**

The grant maximum is \$209 unless there is need for attendant care in which case an additional amount may be allowed as provided in Section 44-239.

**44-311 STATUTORY MAXIMUM GRANTS — ADULT PROGRAMS (Continued)**

44-311

**OAS .113 Grant Maximum for the Aged**

The grant maximum is \$201 unless there is need for attendant care in which case an additional amount may be allowed as provided in Section 44-239.

Effective 12/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

## FINDING OF EMERGENCY

The amendments of <sup>the</sup> following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

State Department of Social Welfare Manual of Eligibility and Assistance  
Standards Sections . 44-111, 44-113, <sup>44-115,</sup> 44-209 and 41-307.

The following facts constitute the emergency:

1. The "Social Security Pass-on Act" of 1970 (Chap. 1520, Stats. 1970) requires effective December 1, 1970, an additional \$7.50 per month to be exempted from the income of recipients of public assistance under the Old Age Security (OAS) and Aid to the Needy Disabled (ATD) programs.
2. The income exemptions will result in an increase in public assistance benefits to in excess of 300,000 welfare recipients.
3. On September 24, 1970, the Secretary of the Human Relations Agency established Rate Schedules for specialized out-of-home care for recipients of public assistance under the Old Age Security (OAS), Aid to the Needy Disabled (ATD) and Aid to the Blind (AB) programs pursuant to Welfare and Institutions Code Sections 13920-13923 and 13933.
4. The Schedules provide for an increase in rates effective December 1, 1970, which will affect the need determination and result in increased benefits for approximately 35,000 welfare recipients.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

5. The amendments of regulations described above are necessary in order to require the county welfare departments to make grant and rate computations for December 1970, in accordance with the "Social Security Pass-on Act" of 1970 and with the new out-of-home care Rate Schedule.
6. Unless the amendments of the regulations described above are adopted as emergency measures, effective December 1, 1970, a failure promptly to implement the beneficial provisions of the "Social Security Pass-on Act" and of the new out-of-home care Rate Schedule will result.
7. Denial of benefits conferred by the State Legislature and those provided for by the Human Relations Agency acting in accordance with the legislative mandate, even temporarily, would necessarily have an adverse effect upon the health, safety and general welfare of the persons affected and thereby the people of the State of California.

Adoption of the above-described amended regulations is, therefore, required effective December 1, 1970.

State Department of Social Welfare

  
Robert Martin, Director

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
1 FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11180.1)

41-307 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT 41-307  
(Continued)

.4 Property Held for Use in a Plan of Self-Support

AB | .41 An AB or ATD recipient with an approved plan of self-support may retain real  
ATD | and/or personal property in excess of that specified for an AB or ATD  
recipient, in Sections .1, .2, and .3 above, for a period not to exceed 36  
months, subject to the limitations set forth in Section 44-111.47.

APSB | .42 An APSB recipient with a plan for achieving self-support may retain real  
and/or personal property in excess of that specified for APSB recipients  
in Sections .1, .2, and .3 above, provided (1) such property is or will  
be required to effectuate his plan for self-support and (2) the county  
assessed value does not exceed \$5,000 after encumbrances of record are  
deducted.

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME 44-111

AB | Federal and state statutes exclude or exempt certain types of payments or benefits in whole or in part from  
ATD | consideration as income. These exclusions and exemptions vary widely between programs. However, the  
OAS | federal statutes also provide that any income to an individual which is disregarded in determining his  
AFDC | eligibility under the provisions of one categorical aid program (AB, ATD, OAS or AFDC) shall not be taken  
into consideration in determining the eligibility and/or the amount of assistance paid to a recipient receiving  
aid under another categorical aid program.

The exclusions and exemptions and the applicable programs are discussed in Sections .1 through .4 below.

.1 General Exemptions - Income from Any Source

AB | .11 The First \$7.50 a Month  
ATD |  
OAS | In addition to all exemptions from income allowed in .2 through .4 of this  
Section, an exemption of \$7.50 from total income shall be allowed once per  
month.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

.2 Exemption of Earned Income - General

ATD  
OAS

- .21 In addition to the exemption specified in Section 44-111.11 above, the first \$20, plus one-half of the next \$60 a month, of gross earned income is exempt from consideration in determining the amount of the OAS or ATD payment.

See Section 44-101.5 for definition of "earned income." If a portion of earnings is garnisheed, attached or deducted by court order, see Section 44-113.2. See Section 44-113.21 for the procedure to determine exempt and nonexempt net earned income.

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME 44-111  
(Continued)

AB  
OAS  
ATD

.33 Payments to Cherokee Indians

Per capita payments made to Cherokee Indians under Section 6 of Public Law 87-775 are exempt from consideration as either income or resources of the AB recipient or of any other individual.

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME 44-111  
(Continued)

.471 Income of Recipient with an Approved Plan of Self-Support

AB  
ATD

- a. Income in addition to that specifically exempt under sections .1 through .4 above may be exempt and property resources over and above the maxima set forth in the Property Chapter may be retained subject to the following limitations:

- (1) The applicant or recipient has a reasonably adequate plan which he believes will lead to self-support. An applicant for or recipient of AB or APSE who is attending or residing in an orientation center for the blind established under W&IC Section 19500, et. seq., is considered to have an adequate plan of self-support within the meaning of this section.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME  
(Continued)

44-111

AB  
ATD

- (2) The plan for self-support is approved by the county.
- (3) The applicant or recipient is making a sincere and sustained effort to achieve fulfillment of his plan for self-support.
- (4) The amounts of additional resources and income which the applicant or recipient is permitted to retain are determined by the county to be essential to further the particular plan of self-support.
- (5) The exemption of additional resources or income is limited to one 36 month period for any applicant or recipient. 4
- (6) In ATD the exemption of additional income or resources is further limited to the part or parts of such 36 month period during substantially all of which the recipient is actually undergoing vocational rehabilitation. A recipient of ATD is considered to be undergoing vocational rehabilitation within the meaning of this section if:
  - (a) He has been accepted by the Department of Rehabilitation and is actively participating in a plan for vocational rehabilitation which has been developed for him, or
  - (b) The county has determined that he has a potential for vocational rehabilitation leading to self-support and that he is developing that potential to the maximum extent possible through appropriate educational or training programs. (See Regulation Section 30-152.)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME  
(Continued)

44-111

AB  
ATD

The individual's plan for self-support shall be evaluated as to its adequacy, consideration being given to the work capacity of the individual and to the existence of employment opportunity. Lack of availability of employment in the community in which the recipient lives does not nullify his plan for employment if he is willing to move to an area where there is an opportunity for employment of the type in which he is interested and from which he believes he can achieve self-support.

A determination shall also be made as to the amounts and kinds of additional resources and income, if any, which are required to implement this particular plan. The exemption of additional resources and income as provided herein shall terminate immediately if at any time during the 36 month period it is determined that the recipient is not making a sincere and sustained effort to achieve the approved plan of self-support or if in ATD the recipient is no longer actively participating in the plan for his vocational rehabilitation.

DO NOT WRITE IN THIS SPACE



CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

AB  
ATD

If the AB recipient has not achieved self-support at the expiration of a 36 month period but continues to have an adequate plan and to put forth a sustained effort, he shall be transferred to APSB if eligible therefor. Otherwise, he shall be continued on AB if eligible within the usual property and exempt income limitations of the program as set forth in the Property and Income Chapters. ATD may be extended to a recipient beyond the 36 month period only if he is otherwise eligible within the usual property and exempt income limitations of the ATD program.

A signal system shall be established by the county so as to permit easy identification at the end of the 36 month period of those AB and ATD cases in which additional income and resources have been permitted to implement a plan for self-support.

Subject to the limitations set forth above, the income and property exemptions for an otherwise eligible recipient shall continue until the recipient becomes self-supporting. Any determination by a county that the objectives of a plan for self-support have been realized shall be made on the basis of the particular circumstances involved with due regard for the necessity of continuing needed exemptions until self-support has been fully achieved.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

AB  
ATD

The plan for self-support is considered to have been completed and the additional income and resource exemptions set forth herein shall be terminated if the recipient's earning pattern over a reasonable period of time demonstrates average earnings which are sufficient to meet his needs under the appropriate need standard (see Chapter 44-200) and which are likely to continue. For the purpose of determining whether a person has achieved self-support, monthly net income of a recipient shall be computed without deduction of the community property interest of a spouse in the income. Self-support for a recipient means support for the recipient personally and does not include allowance for the needs of members of his family.

APSB

- b. An otherwise eligible blind person may be granted aid under the APSB program if he has a reasonably adequate plan which he believes may lead to self-support and is making a sincere and sustained effort toward achieving self-support. Income and property resources of the APSB recipient are subject to the limitations set forth in this chapter and the Property Chapter for APSB recipients. (For specific income and property exemptions see Sections 44-111.12 and 41-307.42.)

The adequacy of the plan of self-support and when self-support is considered to be achieved are determined in the same manner as set forth in section a above for AB and ATD recipients.

AB  
APSB

(For additional information to help determine the appropriate program see Section 40-125.6, Selection of Appropriate Program for Blind Applicants.)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME  
(Continued)

44-111

ATD | .474 Funds Provided for Physical Rehabilitation or Self-Care  
Funds provided by public and private agencies to assist in  
implementing a plan for physical rehabilitation or self-care are  
exempt from consideration as income. (See .471 above re funds for  
vocational rehabilitation.)

44-113 NET INCOME (Continued)

44-113

AB | (2) Deduct from gross income the exempt income; i.e., in OAS  
ATD | and ATD the first \$20 of gross income plus one-half of  
OAS | the next \$60 and in AB the first \$85 of gross income plus  
one-half of any amount in excess of \$85. (For OAS and ATD  
compute on the basis of the first \$27.50 rather than \$20 and  
for AB compute on the basis of first \$92.50 rather than  
\$85.00, if the recipient's income is solely from such  
earnings. See Section 44-111.11.)

44-113 NET INCOME (Continued)

44-113

AB | b. From Self-Employment (Business Enterprise, Farming, etc.) or in Combination with  
ATD | Earnings as an Employee (Continued)  
OAS |

(3) Deduct the exempt income; i.e., in OAS and ATD the first \$20 of  
the amount determined in Item (2) plus one-half of the next \$60;  
in AB the first \$85 of the amount determined in Item (2) plus  
one-half of any amount in excess of \$85. (For OAS and ATD

compute on the basis of first \$27.50 rather than \$20 and for AB  
compute on the basis of first \$92.50 rather than \$85, if the  
recipient's income is solely from earnings. See Section 44-111.11.)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

.2 Rent

AB | The value placed upon rent which is contributed in kind is dependent upon the  
APSB | adequacy of the housing, i.e., standard, intermediate or substandard. (See  
OAS | .4 below if housing is earned.)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AB | .3 Utilities  
APSB |  
OAS |

When all necessary utility items are contributed, the income value is \$6 a  
month in OAS and \$6.80 in AB and APSB. If less than all utility items are  
contributed, the proportionate share of these figures reasonably applicable  
to the contributed items, is used. (See .4 below if utilities are earned  
in whole or in part.)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
1 FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE  
(Pursuant to Government Code Section 11180.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AB  
APSB  
ATD  
OAS

.4 Housing and Utilities Earned in OAS, AB and APSB and Earned or Contributed

in ATD

If either or both housing and utilities, or parts of these, are earned, or in ATD are earned or contributed, the estimated value of the earned or contributed portion plus the amount paid by the recipient for that portion which is not earned or contributed, is allowed as need up to the ceiling allowances for housing and utilities. (See Section 44-207.) Income is the estimated value of the earned or, in ATD, the earned or contributed portion of the need. (See .2 above if housing is contributed to the OAS, AB or APSB recipient.)

The following regulation is to be repealed effective 12/1/70:

Section 44-115.5 Either Housing or Utilities Contributed

DO NOT WRITE IN THIS SPACE

Effective 12/1/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11180.1)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL OUT-OF-HOME CARE FACILITIES (Continued)

44-209

AB  
ATD  
OAS

.3 Needs Chart — Recipient Living in Nonmedical Out-of-Home Care Facility

Need Items	Group I Minimum to Moderate Care and Supervision	Group II Extensive care and Supervision
<p>A. Board, room, personal care and supervision.</p> <p>Allow charge for care* <u>not to exceed</u></p> <p>Components of maxima</p> <p>1) Shelter and utilities</p> <p>2) Food</p> <p>3) Personal care and supervision, including minimum basic services normally required for licensing.</p>	\$168.00	\$193.00
<p>B. Personal and Incidental Needs *** (Personal expenses, transportation, recreation, etc.)</p>	\$ 38.00	\$ 24.00
<p>C. Clothing, dry cleaning, extra laundry, shoe repair and other similar needs not normally provided by the facility.</p>	\$ 15.00	\$ 15.00
<p>D. Totals — Based on <u>maxima</u> for board, care and supervision.</p>	\$221.00	\$232.00

\* If the charge per month exceeds the specified ceiling, see Section 44-111.422 c.

\*\*\*

If these needs are provided in whole or in part by the facility for an additional service charge, the recipient may need to use all or a portion of this allowance to pay the facility for these services.

DO NOT WRITE IN THIS SPACE

Effective 12/1/70

PAGE SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

OCT 19 1970

Office of Administrative Procedure

**ENDORSED**

APPROVED FOR FILING  
(GOV. CODE (1880.1))

OCT 19 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
(Agency)

Dated: October 15, 1970

By:

Director

(Title)

**FILED**

In the office of the Secretary of State  
of the State of California

OCT 19 1970

At 3:40 o'clock P.M.

Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

30-104 AGENCY RESPONSIBILITY (Continued)

30-104

.7 The county welfare department shall make provision for short-term emergency shelter care for those children in need of such care. Shelter care includes subsidized homes reserved for emergency care as well as other shelter facilities reserved for the purpose of providing a protective environment. Such care is subject to federal matching only when all of the following conditions are met:

.71 Such care shall be limited to situations in which, as part of the protective service plan for an eligible child (Section 30-103), immediate action is taken to safeguard the child from hazardous circumstances arising from a condition of <sup>Alleged</sup> neglect, abuse, or exploitation.

.72 Any one emergency placement in Shelter Care shall be limited to no more than 14 consecutive calendar days, commencing with the date of that placement. Subsequent placement of the same child in emergency shelter care within three months of the last placement is subject to administrative approval above the first line supervision level.

DO NOT WRITE IN THIS SPACE

Effective 12/1/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-104 AGENCY RESPONSIBILITY (Continued)

30-104

- .73 The subsistence component (food, clothing, shelter) to the emergency shelter care shall be incidental to the comprehensive social services provided.
- .74 Intensive efforts shall be made, while the child is in the emergency shelter, to determine whether the home from which the child was removed is safe for his return.
- .75 Efforts shall be initiated or continued to work with the parents, guardian, or person(s) with whom the child is living to correct the conditions in the home which made protective services and temporary emergency care necessary.
- .76 Social Services in the emergency shelter shall be provided by staff meeting the standards in Section 30-106.
- .77 Where the emergency shelter is operated by the county welfare departments, staff of the shelter shall be a part of the specialized staff structure required by Section 30-105.
- .78 Under no circumstances shall emergency shelter care include ongoing foster care.

DO NOT WRITE IN THIS SPACE

Effective 12/1/70

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

31-203 DEFINITION OF EDUCATIONAL OR EDUCATIONAL-TRAINING SERVICES 31-203

AFDC  
ATD  
AB Educational or educational-training services <sup>(E.T.S.)</sup> are individual and group services  
OAS which prepare public assistance recipients to become self-supporting. Such services are limited to those recipients requiring vocational education, training, or rehabilitative services as a prerequisite to employment.

- .1 <sup>bb</sup> the term educational and training services <sup>DD</sup>  
shall be taken to mean educational or educational-training services.
- .2 "An administering institution" <sup>is</sup>  
an educational or vocational institution under whose  
auspices or supervision <sup>an E.T.S.</sup> program is  
conducted.

31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM (Continued)

31-204

- AFDC  
ATD  
AB  
OAS
- .2 Make a specific plan for meeting the educational and training need through purchase of the service or through other means such as a formal agreement with an administering institution. (See Section 30-152.<sup>.2</sup>)
- .3 Inform the recipient other than the AFDC-U parent, or the AFDC youth, age 16 through 20, that his participation in the educational and training program is voluntary. (See Section 30-<sup>162.3</sup>)
- .4 Assure that expenses of participation in the educational and training program are met, including but not limited to the provision of a standard allowance in accord with Section 30-153.26, transportation in accord with Section 44-114, <sup>A</sup> child care costs, and reasonable costs of tuition, books, tools, and other supplies required by the program. Such expenses, if not provided by other agencies, shall be met from administrative funds.
- .5 Assure that the educational and training services are continued until the objective is reached or service is terminated for another reason.

DO NOT WRITE IN THIS SPACE

Effective 12/1/70



CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM (Continued)

31-204

AFDC.6 Assign a social worker to give support to the recipient and the family of  
ATD  
AB  
OAS the recipient in each instance in which a recipient is accepted by and  
assigned to an educational and training project. The case shall remain  
in active service status unless the assessment of the social services  
system is that social services are not required.

31-205 REQUIREMENTS FOR EDUCATIONAL AND TRAINING SERVICE PROGRAMS 31-205  
other than Activity Centered Therapy (See Section 31-202)

- .1 Educational and training service programs shall be administered under the  
auspices and supervision of a vocational or educational institution.
- .2 The plan for obtaining educational and training services shall be included  
as part of the county plan of services. (See Section 10-207.)
- .3 Where a local Cooperative Area Manpower Planning System (CAMPS) is in effect,  
the County shall coordinate its ETS Program with that system.
- .4 No educational and training service program shall be initiated which  
duplicates a program available from another agency. This includes the  
State Departments of Human Resources Development, Rehabilitation and Education.  
Questions around potential duplication of services shall be referred to  
the State Department of Social Welfare for clearance with the appropriate  
state agency.
- .5 No recipient shall be encouraged to enter into an educational and training  
activity unless there is a reasonable assurance that at least partial  
self-support can be gained as a result of the activity.
- .6 Provision shall be made to insure that no mother is assigned to an  
educational and training program if her participation will be detrimental  
to her welfare or that of her children.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

31-205 REQUIREMENTS FOR EDUCATIONAL AND TRAINING SERVICE PROGRAMS (Continued) 31-205

AFDC .7 There shall be no requirement that a recipient must work off his grant, i.e.,  
ATD no computation of wage credits is permitted.

AB .8 The county shall assure that vocational experience in an educational and  
OAS training program will not result in the displacement of regular workers  
or replace work which would normally be performed by regular employees.

31-206 GENERAL PROGRAM STANDARDS FOR EDUCATIONAL AND TRAINING SERVICES 31-206

The county shall assure adherence to each of the following standards which are  
applicable to the planning, development and administration of an educational and  
training program.

31-206 GENERAL PROGRAM STANDARDS FOR EDUCATIONAL AND TRAINING SERVICES 31-206  
(Continued)

.3 The program shall provide for coordinated and appropriate efforts to upgrade  
recipient skills and increase earning capacity. Such efforts may include:

.31 Training activities in which one or more recipients are assigned to a  
sponsoring agency (another public agency or a nonprofit agency) for  
vocational experience in performing work of benefit to the public.

(See Section 31-207).

31-207 STANDARDS FOR VOCATIONAL TRAINING PROGRAMS 31-207

.1 Vocational Training

Where an administering institution enters into an agreement for a vocational  
training program, county welfare department is responsible for assuring that all  
of the following requirements are met:

.11 Such training shall be performed for public or private nonprofit agencies.  
Written agreements spelling out the specific responsibilities of the  
sponsoring agency and the administering institution shall be developed.

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

31-207 STANDARDS FOR VOCATIONAL TRAINING PROGRAMS (Continued)

31-207

AFDC  
ATD  
AB  
OAS

.13 Agreements with administering institutions shall be listed in the county plan of services. (See Section 10-207.)

.14 Vocational training programs shall be geared to the needs of recipients.

31-207 STANDARDS FOR VOCATIONAL TRAINING PROGRAMS (Continued)

31-207

.2 Vocational Training Activities

All vocational activities shall have a clearly defined training component and be geared to the job needs of the local community. Vocational training activities may include:

.21 Activities designed to develop new or improved skills. Such activities include the planned coordination of vocational training instruction. Participants shall be carefully selected on the basis of their ability to use the training and instruction. Such activities have as their purpose the production of well-trained workers for a competitive labor market.

.22 Activities designed to improve, or conserve existing skills. Participants shall be given an opportunity to use their skills and, through useful vocational experience and related vocational instruction or adult education to increase their skills and employment opportunities.

.3 Minimum Standards for Vocational Training

All training activities whether conducted by a sponsoring agency or the administering institution shall meet the following minimum standards:

.31 Vocational training shall be performed for a useful public purpose. This prevents any activity which is performed for the benefit of private persons or interests, but does not exclude voluntary nonprofit agencies and institutions.

DO NOT WRITE IN THIS SPACE

Effective 12/1/70

CONTINUATION SHEET  
1 FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

31-207 STANDARDS FOR VOCATIONAL TRAINING PROGRAMS (Continued)

31-207

- .32 This requirement does not preclude arrangements between the administering AFDC institution and private employers, voluntary agencies or other private resources for vocational experience which meet the standards established by the Division of Apprenticeship Standards or Department of Rehabilitation. The aid payment to the recipient may not be used as an offset for any work performed.
- .33 Except for activities of a supplementary, nonrecurring or emergency nature, training activities shall not replace ongoing established functions of a sponsoring agency. This restriction applies to normal maintenance and upkeep activities for which funds have not been appropriated by a sponsoring agency.
- .34 Activity performed on vocational training programs shall not result in the displacement of regular workers or in the performance of work which would otherwise be performed by such employees.

.4 Protection for Workers Assigned to Vocational Training

All workers assigned to vocational training shall have the following protection against hazards or activities which might adversely affect their health:

31-207 STANDARDS FOR VOCATIONAL TRAINING PROGRAMS (Continued)

31-207

- .43 Written medical clearance before a participant is permitted to return to the vocational training program for any participant who is absent because of illness or injury (other than a minor cold, gastrointestinal disturbance, or similar ailment which usually incapacitates for three days or less).

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

31-207 STANDARDS FOR VOCATIONAL TRAINING PROGRAMS (Continued)

31-207

.5 Safety Provisions for Vocational Training

AFDC: Vocational training program participants shall be provided with the same safety  
ATD  
AB equipment provided for regular employees of the sponsoring agency. If safety  
OAS provisions are lacking in the sponsoring agency, the county welfare department shall be responsible for assuring that the following protections are maintained for vocational training program participants:

31-207 STANDARDS FOR VOCATIONAL TRAINING PROGRAMS (Continued)

31-207

.6 Other Criteria for Vocational Training Activities

The county welfare department shall assure that vocational training programs are operated in accordance with the following commonly accepted criteria:

.61 Participants shall be assigned to activities commensurate with their vocational interests and potential and physical and mental capacities in order to develop skills and improve employability.

31-207 STANDARDS FOR VOCATIONAL TRAINING PROGRAMS (Continued)

31-207

.7 All persons assigned to vocational training shall be covered for Workmen's Compensation Insurance or comparable protection.

31-208 STANDARDS FOR ORGANIZED GROUP INSTRUCTION

31-208

.1 Remedial and vocational education required to supplement and complement the vocational experience afforded by assignment to vocational training shall be provided through the medium of organized group instruction.

31-209 STANDARDS FOR ACTIVITY CENTERED THERAPY

31-209

.1 Activity Centered Therapy programs are specially designed programs operated or purchased by county welfare departments for those not appropriate for referral to WIN or the Department of Rehabilitation.

31-209 STANDARDS FOR ACTIVITY CENTERED THERAPY (Continued)

31-209

.4 The workshop operated as a part of the Activity Centered Therapy shall meet all requirements for such facilities established by the Department of Rehabilitation. (See the Department of Rehabilitation Procedural Guides - Standards for Rehabilitation Facilities - Section 16.)

Effective 12/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE  
Under Section 11422.1, Government Code

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on 6/22/70, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Sections 42-513.41, 42-513.6, 42-513.7, 42-513.8  
44-111.232 (renumbered from former 44-111.233)  
44-113.242 (renumbered from former 44-113.243)  
44-133.12 (renumbered from former 44-133.13)  
44-133.5, 44-133.7, 44-213.21, 44-213.31 and 20-101

Repeal of existing Sections 44-111.232, 44-113.242, 44-133.111,  
and 44-133.12

RECEIVED FOR FILING

OCT 19 1970

Office of Administrative Procedure

State Department of Social Welfare



Robert Martin, Director

~~ENDORSED~~ *NAR*  
**FILED**  
In the office of the Secretary of State  
of the State of California  
OCT 19 1970  
At 12:40 o'clock *P* M.  
*H. P. Sullivan*  
H. P. SULLIVAN  
Secretary of State

DO NOT WRITE IN THIS SPACE

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 2 - 1970

Office of Administrative Procedure

**ENDORSED**APPROVED FOR FILING  
(GOV. CODE 11380.1)

NOV 2 - 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: October 29, 1970

By:

*Robert M. Thant*

Director

(Title)

**FILED**In the office of the Secretary of State  
of the State of California

NOV - 2 1970

At 10:55 o'clock a.m.

*Robert M. Thant*

Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

#### FINDING OF EMERGENCY

The amendment of Sections 44-115 and 44-207, Eligibility and Assistance Standards, and Section 23-401, Manual of Policies and Procedures, are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency:

1. Chapter 1426, Statutes of 1970, amends Section 13601 of the Welfare and Institutions Code to provide a certain housing allowance for recipients of Aid to the Needy Disabled (ATD) who reside with parents if the annual net income of the parents is less than \$15,000. This legislation becomes effective November 23, 1970.
2. A closed-end appropriation of funds is contained in this legislation to provide for the cost of the allowances for one fiscal year. The Director of the Department of Social Welfare is directed to establish regulations which will maintain expenditures within the amount appropriated.

The amount appropriated continually decreases to an amount which is proportionate to the amount of time remaining in the fiscal year at the time the legislation is implemented.

DO NOT WRITE IN THIS SPACE

3. Approximately 26,000 recipients of ATD reside with their parents, a substantial percentage of whom will be eligible for increased grants as a result of this legislation.
4. The amendments to the regulations described above must be adopted effective December 1, 1970 in order to utilize the greatest amount of funds appropriated by Chapter 1426 which will insure that the benefits contained therein are provided to the recipients for whom they were intended.
5. A failure to adopt these amended regulations on an emergency basis will result in the continuing decrease of the amount of funds available for carrying out the legislative intent expressed in Chapter 1426, Statutes of 1970, which will constitute a failure to promptly implement beneficial provisions conferred by the State Legislature.
6. Denial of benefits conferred by the State Legislature, even temporarily, would necessarily have an adverse effect upon the health, safety and general welfare of the persons affected and thereby the people of the State of California.

Adoption of the above-described amended regulations is, therefore, required effective December 1, 1970.



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT — 44-207  
OWN HOME (Continued)

ATD | The ATD recipient who resides with his parent is considered to live in his "own home" regardless of whether he shares expenses, rents a room in the home, or is in the home on a board and room or a board and care basis. Minimum need of such recipient is determined on the basis of a shared living arrangement as provided in Section 44-207.12,

(See .214 below re determination of parent's ability and obligation to meet all or a portion of the ATD recipient's housing and utility need.)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT — 44-207  
OWN HOME (Continued)

.214 ATD Recipient Resides with his Parents

ATD | a. Obligation of Parent to Provide Housing and Utilities  
- General

In accord with W&IC Section 13601, when an ATD recipient resides with his parent, the parent is obligated, within his ability, to provide the ATD recipient with housing and other similar needs which do not add appreciably to the family's expense. The ability of the parent to meet all or a portion of the recipient's housing and utility need is determined as set forth in Section C below on the basis of the parents' income and the number of persons dependent on that income. Appropriate reduction<sup>is made</sup> in the ATD recipient's need allowance for housing and utilities

44-207.233 when it is established that the parent is meeting<sup>his obligation to provide</sup> all or a portion of this need. (See Section

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT —  
OWN HOME (Continued)

44-207

ATD b. Definitions and Explanation of Terms used in this Section

(1) Parent

A "parent" includes both parents of the ATD recipient when both are in the home.

(2) Dependent

A "dependent" is a person, other than the ATD recipient, who is related to the parent(s) by blood, marriage or adoption, whose own income is insufficient to meet his needs and who receives a major portion of his support in or out of the home from the parent.

(3) Gross Income

"Gross income" is the total annual income of the parent(s) in the home from all sources and before any payments or deductions for taxes, insurance, retirement contributions, expenses incident to operation of a business, etc.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT —  
OWN HOME (Continued)

44-207

ATD(4) Net Income

"Net income" from salary or wages is 75% of gross income. (A flat 25% of the total gross income is allowed to cover the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, union dues, cost of tools, equipment, uniforms, etc. This flat allowance is permitted regardless of actual expenses.)

Net income from a source other than salary or wages is determined in the manner specified in Regulation 42-505.42.

(5) Adjusted Net Income

"Adjusted net income" is "net income" less \$600 for each dependent.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
F--- FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -  
OWN HOME (Continued)

44-207

ATD (6) Resides with Parent

It shall be concluded that the ATD recipient "resides with his parent" if he and the parent are living together in what is normally considered as one living unit. This conclusion may not be valid if it is established that it is the parent who is, in fact, residing in the home of the ATD recipient. It is reasonable to conclude that the parent is residing in the home of the ATD recipient if all of the conditions set forth in (a), (b), and (c) below are met:

- (a) The ATD recipient and, if married, his spouse, previously established a living arrangement away from the home of the ATD recipient's parents.
- (b) The housing costs, including total rental or ownership costs, are primarily the responsibility of the ATD recipient and his spouse.
- (c) The parent of the ATD recipient moved into the home of the ATD recipient to assist with costs and/or to provide care to the ATD recipient or so that the parent could receive needed care or supervision.  
(If it is established that the parent is residing in the home of ATD recipient rather than the ATD recipient residing in the home of the parent, the ATD recipient's housing need is determined as provided in Regulation Section 44-207.233.)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING  
ARRANGEMENT - OWN HOME (Continued)

44-207

ATDc. Determination of Parent Ability to Meet the Recipient's  
Housing and Utility Need(1) Annual Adjusted Net Income of Parent is Under \$5,000

In such case, the parent is not obligated to provide housing and utilities to the recipient. Similarly, if one or both parents is receiving public assistance or is certified for food stamps, the parents are not obligated to meet any portion of the ATD recipient's housing and utility need. Need of such recipient is determined in the same manner as for any other ATD recipient in a shared living arrangement except that if the parent voluntarily meets all or a part of the recipient's housing and utility need, the need for housing and utilities is determined and the voluntary contribution evaluated as provided in Section 44-215.4.

(2) Annual Adjusted Net Income of Parent is \$5,000 or More

In such case, it is considered that the parent has the ability and, accordingly, has the responsibility to meet the recipient's housing and utility need to the extent prescribed in the following scale:

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING  
ARRANGEMENT - OWN HOME (Continued)

44-207

ATD

Adjusted Annual Net  
Income of Parent(s)

Portion of ATD  
Recipient's Monthly  
Housing and Utility  
Need for Which  
Parent is Responsible

\$ 5,000 to \$ 5,999	\$ 5
6,000 to 6,999	10
7,000 to 7,999	15
8,000 to 8,999	20
9,000 to 12,999	25
13,000 to 14,999	35
15,000 and over	45

A parent's ability to provide housing and utilities determined pursuant to this scale may be modified only if it is established that the parent has major necessary and unusual expenses and that hardship will result if he is required to meet his responsibility under the scale. In such case, the major unusual expenses are deducted from the parent's adjusted net income and his ability to provide housing and utilities reevaluated. (The interpretation of "major unusual expenses" in Section 42-509.321 is also applicable here.)

DO NOT WRITE IN THIS SPACE

Effective 12/1/70

CONTINUATION SHEET  
F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING  
ARRANGEMENT - OWN HOME (Continued)

44-207

ATD

Need allowance to the ATD recipient for housing and utilities (see .233 below) is reduced to the extent that the parent is meeting his responsibility to provide such needs. (See Section D below for the procedure to be followed in determining the parent's ability and responsibility.) Any reduction in need allowance made pursuant to this section is not evaluated as income to the recipient within the meaning of Sections 44-111.11 and 44-115.4. However, if the parent voluntarily meets a greater portion of the recipient's housing and utility need than that for which he is determined to be responsible under the above scale, such additional contribution represents "income in kind" to the recipient which is evaluated in the manner prescribed in Section 44-115.4.

d. Procedure for Determining Parent Ability to Provide Housing and Utilities for ATD Recipient

(1) New Applications

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207

MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING  
ARRANGEMENT - OWN HOME (Continued)

44-207

ATD

- (a) Use of Form DA 226, Statement of Parent of ATD Recipient

Form DA 226, Statement of Parent of ATD Recipient, and DA 226, Instructions, shall be given or sent to the parent of every ATD applicant who is residing with a parent unless the county has current reliable evidence that the parent(s) annual adjusted net income is under \$5,000 or that one or both parents is receiving public assistance, or is certified for food stamps.

- (b) County Action when Form DA 226 is Returned

When the Form DA 226 is returned, it shall be evaluated immediately. The parent's ability to meet all or a portion of the ATD recipient's housing and utility need and the extent to which he is meeting this responsibility shall be determined and any indicated adjustment shall be made in the need and grant of the ATD recipient. (See Section c. above.)

DO NOT WRITE IN THIS SPACE



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING  
ARRANGEMENT - OWN HOME (Continued)

44-207

ATD

If the parent is not meeting housing and utilities for the recipient in accord with his ability and responsibility as determined under the scale, the parent shall be contacted to determine if his ability and responsibility have been determined correctly and, if so, why he is not meeting this obligation. If after such contact the parent is still unwilling to provide housing and utilities for the ATD recipient in accord with his determined ability, the county shall ask the district attorney or other appropriate legal officer in the county to take legal action against the relative.

(c) Substantiation of Information on DA 226

The information given by the parent on the DA 226 is subject to verification and substantiation if there is apparent conflict or inconsistency. In such case, effort is to be made to resolve the inconsistency or conflict with the parent before any independent investigation is made. Independent investigation may be made only after the parent has been notified of the proposed investigation.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF REGIPIENT IN INDEPENDENT LIVING  
ARRANGEMENT - OWN HOME (Continued)

44-207

ATD(d) Parent Fails to Return the Form DA 226

If the Form DA 226 is not returned within two weeks of the time it is given to the parent, at least one follow-up request for the completed form shall be made within 30 days from the initial request. If the parent still fails to return the completed form within 10 days following the second request, need allowance to the ATD recipient for housing and utilities may be continued only if the ATD recipient establishes that his housing and utility need is not being met in full by the parent. In such case, the district attorney or other civil legal officer in the county shall be asked to take legal action against the parent unless the county can otherwise establish that the parent has no responsibility to meet any portion of the ATD recipient's housing and utility need.

(2) Periodic Determination of Parent Ability

Parent ability to provide housing and utilities for the ATD recipient who resides with him shall be redetermined in accord with the procedures set forth in item(1), above at the time of the annual determination of eligibility (see Sec. 40-181.2) or sooner if one or more of the following conditions exist:

- (a) Evidence is obtained which raises doubt as to the validity of the existing determination.
- (b) The parent or ATD recipient requests a redetermination of parent ability.

Effective 12/1/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -  
OWN HOME (Continued)

44-207

AB  
ATD  
OAS.233 Determination of Recipient's Housing and Utility Need in a  
Shared Living Arrangement

The following principles are applicable in determining the portion of the total housing-utility costs that represent the recipient's housing-utility need in a shared living arrangement except that when an ATD

recipient resides with his parents, the limitations set forth in Section .214 above must also be observed.

- a. When housing and utilities are shared only with a nonneedy person or persons, need of the recipient is his equally prorated share of the housing-utility costs (up to the ceiling on shared housing) or the amount of such costs he is required to pay, whichever is less.
- b. When the shared living group represents more than one assistance program, the following amounts are applied first against the total housing and utility costs:
  - (1) For each OAS or AB recipient, the amount he actually pays of the total housing-utility costs or his prorated share of the total costs, whichever is less, but in no event less than the minimum allowance provided for his respective program, plus
  - (2) For each ATD recipient, the amount he actually pays of the total costs or his prorated share, whichever is less, plus
  - (3) For AFDC, the allowance for housing and utilities for the family group.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

.4 Housing and Utilities Earned in OAS, AB and APSB and Earned or Contributed in ATD (Continued)

ATD

When an ATD recipient resides with his parents and his need allowance for housing and utilities has been reduced because of his parent's ability to meet all or a portion of such need, the reduction in need allowance does not constitute income in kind within the meaning of this section. (See Regulation 44-207.214.)

23-401 REQUIRED FORMS – NO SUBSTITUTES PERMITTED (Continued)

23-401

- .2 The following forms, completed in accord with instructions for their use are required and no substitutions are permitted except as provided in Section 23-401.3 (see Appendix 2, EAS Manual).

DM 1 Medical Report

DM 1A Psychiatric Report

DM 3 Certificate of Disability

DPA 6 State Department of Social Welfare Appeal as to Responsibility for Support  
DA158C *Budget Work Sheet - ATD Recipient Resides With Parents*  
ABCDM 200 Application for Public Social Service

CA 200 (BHI)\* Application for AFDC – Boarding Homes or Institutions

ABDM 201 Statement of Facts Supporting Eligibility for Assistance

CA 201\*\* Affirmation of Eligibility for AFDC

\* Interpretation – Form CA 200 (BHI) provides space for listing the names of children in foster care and may be used in lieu of ABCDM 200.

\*\* Not used in MN.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

23-401 REQUIRED FORMS – NO SUBSTITUTES PERMITTED (Continued)

23-401

DM 201B	Social Information Report
DM 201C	Applicant's Statement of Facts Regarding Disability
DM 201D	Applicant's Restatement of Facts Regarding Disability
M 201B	Family Declaration of Eligibility for Medical Assistance
ABCDM 215	Notification of Transfer
AG 224**	Preliminary Statement of Responsible Relative Under QAS Law
AG 225**	Statement of Responsible Relative Under Old Age Security Law
DA 226**	<i>Statement of Parent of ATD Recipient</i>
BL 227	Physician's Report of Eye Examination
BL 227A	Optometrist's Report of Eye Examination
ABD 235	Certification from State Department of Mental Hygiene of Applicant's Release from State Hospital
CA 256 (SSA 1472)	Request from Public Assistance Agency (For Absent Parent Information See Regulation 29-050)
CA 331	Notice of County Welfare Actions
CA 333	Report to County Welfare Department
CA 339**	Applicant Information Record
CA 339A**	Applicant Information Record Supplement
CA 340**	WIN Referral Form
CA 340A	Referral to Employment Services
CA 341	Medical Report and Work Capacities Evaluation
CII-60	Request for Information (From Central Registry - See Regulation 30-215.32.)
SSA 1610	Request for Information by State Public Agency
10-611	Application for Search of Federal Census Records

\*\*Not used in MN.

DO NOT WRITE IN THIS SPACE

Effective 12/1/70

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 10 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

NOV 10 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: November 4, 1970

By: Robert Martin

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

NOV 10 1970

At 3:55 o'clock P.M.

W.P. [Signature]

Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

CERTIFICATE OF COMPLIANCE

Under Section 11422.1, Government Code

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on 7/14/70, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Section 10-203.3      Effective 8/1/70  
10-503              Effective 8/1/70

Repeal of Section 30-107      Effective 8/1/70  
30-329              Effective 8/1/70

State Department of Social Welfare

Robert Martin  
Robert Martin, Director

DO NOT WRITE IN THIS SPACE

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 19 1970

Office of Administrative Procedure

**ENDORSED**

APPROVED FOR FILING  
(GOV. CODE 11380.2)

NOV 19 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: November 19, 1970

By:

*Robert Thant*

Director

(Title)

**FILED**

in the office of the Secretary of State  
of the State of California

NOV 19 1970

At 2:45 o'clock *P* M.

*7/73/ll*  
Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

#### FINDING OF EMERGENCY

The amendments to the following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-212

44-212.1

44-212.2

44-212.3

44-212.4 (renumbered from former 44-212.62)

44-212.5 (renumbered from former 44-212.7)

44-212.52

44-313

44-315.5

44-315.51

Repeal:

Section 44-212.4

44-212.5

44-212.6

44-212.61

44-212.8

44-212.9

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On November 17, 1970, the U. S. District Court for the Northern District of California, in the case of Bryant v. Martin (CAC 51909 AJZ), declared the dollar amounts denoting maximum grant levels in the public assistance program of Aid to Families with Dependent Children (AFDC), as contained in Section 11450(a) of the Welfare and Institutions Code, invalid as in conflict with Section 402(a)(23) of the Social Security Act. The court ordered Robert Martin, as Director of the State Department of Social Welfare, to increase the dollar maximums as required by Section 402(a)(23). In the event he fails to do so, California will be enjoined from further receipt of federal funds under the Social Security Act. On October 29, 1970, hearings were held to clarify said order and to advise the court what actions Robert Martin has taken to comply with said order. The court reserved the power in the event of such failure to comply to compel the State to repay to the Government of the United States the federal funds received since July 1, 1969. Such an injunction and repayment could amount to hundreds of millions of dollars.
2. On April 6, 1970, the U. S. Supreme Court in the case of Rosado v. Wyman, 397 U. S. 397 (1970), established the requirements for State compliance with Section 402(a)(23) of the Social Security Act in the administration of the AFDC Program. Under the Act, as interpreted by the Court, the participating states are required to (a) adjust the amounts used to determine the needs of individuals to reflect changes in living costs since such amounts were established; and (b) proportionately adjust any maximums imposed upon the amount of aid paid. In order to contain expenditures within the amount appropriated a state may establish a system of percentage reductions from the standard of need.
3. The expenditures of the Department of Social Welfare for the AFDC program in the fiscal year 1970-1971 are limited to the appropriation made by Item 279 of the Budget Act (\$342,405,400 plus what expenditures may be approved by the Director of Finance under the circumstances set forth therein).
4. The regulations set forth above are necessary to comply with the court order referred to above and to confine expenditures to the sum appropriated upon such compliance.
5. The regulations set forth above must be in effect immediately to permit Robert Martin, Director of the State Department of Social Welfare, to comply with the actions required by the court referred to above prior to the dates set forth therein.

DO NOT WRITE IN THIS SPACE



**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-212 BASIC STANDARD - AFDC FAMILY BUDGET UNITS

44-212

AFDC

The basic standard for items in the family budget shall be the sum of the amounts specified in the following subsections for housing, utilities, food, clothing, household operations and intermittent needs, transportation, personal needs, education and incidentals, and recreation. See Section 44-212.52 for basic standard for a child living with a person other than a parent or needy caretaker.

The computation of the aid payment shall be made in accordance with Section 44-315.51.

Nothing in these regulations shall be construed as restricting a family in the expenditure of its aid payment and outside income according to its own budget plan, unless the family is on money management (see Section 44-307).

- NOTE: .1 Housing (title change only - no content change)
- .2 Utilities (title change only - no content change)
- .3 Food, Clothing, Household Operations and Intermittent Needs, Transportation, Personal Needs, Education and Incidentals, and Recreation.

The amount per person in the family budget unit for these items shall be \$44.45, plus:

- a. \$2.45 for the added cost of food in a one-person family budget unit, or
- b. \$4.90 for the added cost of food in a two-person family budget unit.

- NOTE: .4 (Unborn Child) renumbered from .62, no content change. Existing .6 and .61 are repealed.

.5 Child Living With Person Other Than Parent or Needy Caretaker

- .51 renumbered from .71, no content change
- .52 The basic standard for the child shall be the sum of the following:
  - a. \$44.45
  - b. plus \$2.45 for the added cost of food when the child is living in a household with but one other person,

DO NOT WRITE IN THIS SPACE

Effective 11/19/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-212 BASIC STANDARD - AFDC FAMILY BUDGET UNITS  
(CONTINUED)

44-212

AFDC

c. plus the amount stated by the nonneedy caretaker as the child's share of housing and utilities costs, not to exceed:

- (1) The prorated share of the actual cost of housing and utilities for the child in relation to total persons in the household, or
- (2) The maximum housing allowance plus the utilities allowance specified in Sections 44-212.14 and 44-212.2 respectively, whichever is less.

NOTE: .53 renumbered from .73, no content change.

DO NOT WRITE IN THIS SPACE

Effective 11/19/70

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-313 MAXIMUM STATE PARTICIPATION BASE - CHILDREN'S PROGRAMS 44-313

AFDC

Pursuant to the judgment of the United States District Court in the case of Bryant v. Martin, rendered on November 17, 1970, and requiring that, in accordance with Section 402(a)(23) of the Social Security Act, the dollar maximums contained in Section 11450(a) of the Welfare and Institutions Code must be proportionately adjusted to reflect increases in the cost of living, these maximums are hereby established in the following amounts to be made operative retroactively and applied to aid payments for the month of October 1970 and continuing:

Adjusted Maximum State Participation Base

<u>Number Eligible Children in Same Home</u>	<u>One Eligible Relative in Home</u>	<u>Eligible Parent and Parent's Spouse in Home</u>
1	\$176	\$197
2	\$204	\$225
3	\$261	\$282
4	\$311	\$331
5	\$353	\$374
6	\$388	\$409
7	\$416	\$437
8	\$437	\$458
9	\$450	\$471
10	\$456	\$477
11	\$463	\$483
12	\$469	\$489
13	\$475	\$495
14	\$481	\$501
15	\$487	\$507

Plus \$6 for each additional eligible child

DO NOT WRITE IN THIS SPACE

Effective 11/19/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC | .5 Determining Eligibility, Amount of Aid, and Method of Computing Payment

.51 Child living with Parent or Relative

- a. Eligibility for AFDC shall be established on the basis of the basic standard (Section 44-212), before application of the factor specified in Step 2 below.
- b. The amount of aid shall be determined in each eligible AFDC case as follows:

Step 1.

Round to the nearer dollar the basic standard for the monthly budget period, as determined in accordance with Section 44-212, with amounts ending in 50 cents or more rounded to the next higher dollar.

Step 2.

Multiply the rounded amount of the basic standard by 0.69 (69%) to determine the amount of the adjusted basic standard.

Step 3.

Add allowance for special items determined in accordance with Section 44-265, rounded as indicated in Step 1 above.

Step 4.

Round to the nearer dollar current net nonexempt income with amounts ending in 50 cents or more rounded to the next higher dollar.

Step 5.

Subtract rounded net nonexempt income from the amount computed in accordance with Step 3.

The amount computed in accordance with Step 5, or the Maximum State Participation Base as set forth in Section 44-313, whichever is less, is the amount of aid. If the computed amount is zero or less, aid is denied or discontinued and eligibility and certification as medically needy is evaluated in accordance with regulations applicable to the Medi-Cal Program, California Administrative Code, Title 22, Division 3.

DO NOT WRITE IN THIS SPACE

Effective 11/19/70

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

The county may supplement the amount of aid, at its discretion, from county funds up to the amount on which eligibility is established (paragraph a. above).

- c. The amount of each installment of the monthly AFDC payment shall not be rounded.
- d. The provisions of this section, and the Basic Standard in Section 44-212, shall be operative beginning with aid payments for the month of February 1971.

The following regulations are to be repealed effective 11/19/70.

Section 44-212.4	Minimum Need Amount for Individual Needs
44-212.5	Minimum Need Amount for Family Budget Unit Needs
44-212.6	Additional Amounts
44-212.61	FBU With More Than Ten Persons
44-212.8	County Pricing Groups
44-212.9	Implementation of Revised Minimum Need Amounts

DO NOT WRITE IN THIS SPACE

Effective 11/19/70

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 19 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.2)

NOV 19 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare  
(Agency)

Dated: November 19, 1970

By:

*Robert Thant*

Director

(Title)

FILED

in the office of the Secretary of State  
of the State of California

NOV 19 1970

At 2:45 o'clock P.M.

*J. P. Hill*  
Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

10-072 FORMER AND POTENTIAL RECIPIENTS OF CATEGORICAL  
PUBLIC ASSISTANCE (Continued)

10-072

.2 Services for Former and Potential Recipients

- .21 The county welfare department shall make available to Medically Needy individuals and families all required (Section 10-051) and recommended Services (Section 10-053) except for homemaker services - adults (See Section 10-051.91) on the same basis as current applicants for or recipients of categorical public assistance when they request such Services.
- .22 The county welfare department shall make available where appropriate, for persons eligible as former or potential AFDC recipients, at least the following Services:

Effective 1/1/71

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

- .221 State preschool services, when requested, on the same basis as is provided to recipients in a county where such program is established;
- .222 Out-of-home services for children in foster care;
- .223 Protective services for children;
- .224 Information and referral services.
- .23 The county welfare department may make available to former or potential AFDC recipients any of the other Services described in Sections 10-051 and 10-053 deemed essential to prevent or minimize the need for public financial assistance.
- .24 The county welfare director shall describe in the county plan the persons to be served as former or potential AFDC recipients and the services to be made available to such persons.
- .25 The county welfare department shall make available for persons eligible as former or potential Adult aid recipients the following services:
- .251 Information and Referral Services
- .252 Protective Services for mentally handicapped adults in keeping with Section 10053.5 of the Welfare and Institutions Code, except where such services are provided by the State Department of Social Welfare, Community Services Division.
- .26 The county welfare department may not make available to former or potential Adult aid recipients any service listed in Section 10-051 or 10-053, except those prescribed in Section 10-072.25, unless a federal waiver has been obtained by the State Department of Social Welfare.

Effective 1/1/71

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-213 FAMILY BUDGET UNIT

44-213

AFDC | .1 General Provisions

.11 To be eligible for AFDC, a child who is not in foster care must be living with at least one of the relatives specified in Section 44-213.21 in a place of residence maintained as his or their home.

The amount of aid for AFDC family groups shall be computed in accordance with Section 44-212 for the number of persons included in the family budget unit (see Section 44-213.3 and 44-213.4).

.2 Definitions

.21 The term "relative" means the following:

- a. Father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, first cousin once removed, nephew, niece, half-brother, half-sister, or any such person of preceding generation denoted by prefix of grand, great or great-great.
- b. Any person who legally adopted the child or adopted the child's parent, or the natural children or other adopted children of such person.

DO NOT WRITE IN THIS SPACE

Effective 2/1/71



CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

AFDC

c. Legally married spouse of any person named above, even though the marriage has been terminated by death or divorce.

.22 The term "living with" shall include persons who would be physically in the home except for circumstances:

.221 That require temporary absence, such as hospitalization, attendance at school, visiting, vacationing, moving to another community, trips made in connection with current or prospective employment, active duty in the armed services, and similar situations, or

.222 That require granting assistance to the relative up to thirty days prior to the child's arrival in the relative's home from placement in a foster family home or institution.

.23 The term "needy person," as used in the following sections, means a person who has no income or who has net income that is less than the amount of the AFDC basic standard plus special need, as specified in Sections 44-212 and 44-265, respectively.

.3 Needy persons living in the home who shall be included as "recipients" in the same family budget unit, unless EXCLUDED by Section 44-213.5

.31 Children - all related eligible unmarried children, including the unborn child, for whom aid is requested by the child's parent or relative caretaker,

and

Effective 2/1/71

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

AFDC

.32 Parent - the eligible child's natural or adoptive parent who requests aid on behalf of the child,

and

.33 Parent's spouse - the spouse of the eligible child's natural or adoptive parent when at least one eligible child is deprived by the incapacity or unemployment of a natural or adoptive parent living in the home,

or if there is no parent living in the home,

.34 Relative - the needy adult relative, as defined above, other than a parent, who provides care and supervision of the eligible child.

.4 Other needy related persons living in the home who may be included as "nonrecipients" in the same family budget unit with eligible children, unless EXCLUDED by Section 44-213.5

.41 Upon the written request of the parent, or the caretaker if neither parent is living in the home, the following persons living in the home, if needy, shall be members of the family budget unit and shall have their needs and income taken into consideration in determining the amount of the AFDC payment to the family:

.411 Unmarried brothers and sisters of the eligible child, including half- or stepbrothers and stepsisters.

DO NOT WRITE IN THIS SPACE

Effective 2/1/71

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

AFDC

.412 The eligible child's stepparent, when the child is deprived by the absence or death of a natural or adoptive parent.

.413 The eligible child's other unmarried parent.

.414 An adult relative, as defined in Section 44-213.21, other than the parent's spouse, whose presence is required to provide care and supervision that cannot be given the eligible child by the only parent living in the home due to the parent's incapacity.

.42 The inclusion of any person in the family budget unit under provisions of Section 44-213.41 shall not increase the maximum state participation base for the family.

.5 Exclusions

Persons specified in Sections 44-213.3 and 44-213.4 shall be excluded from the family budget unit under the following circumstances:

.51 Exclude a child who is age 16 through age 20 who

a. is not disabled, and

b. is not regularly attending school or a training program (see Section 41-103), and

DO NOT WRITE IN THIS SPACE

Effective 2/1/71

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

AFDC

- c. is not employed, or if employed is not contributing to the family or saving a portion of earnings under an approved plan.
- .52 Exclude a child, and the child's parent, when the child's eligibility depends on the action of the parent, and the parent refuses to cooperate in determining eligibility or with law enforcement officials (for limitations, see Section 42-519).
- .53 Exclude a person referred to WIN who has refused to apply for or accept a bona fide offer of employment after the 60-day counseling period.
- .54 Exclude a person who receives OAS, AB, APSB or ATD.
- .55 Exclude a person, other than a parent, whose personal property when combined with that of persons in the family budget unit exceeds \$600.

DO NOT WRITE IN THIS SPACE

Effective 2/1/71

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC .5 Income From Contributions By Stepfather

- .51 When the stepfather is included in the family budget unit (See Sections 44-213.2 and 44-213.3), his net nonexempt income is net income to the family budget unit.
- .52 When the stepfather is excluded from the family budget unit but his wife requests that her needs, or the needs of any of his children, be taken into consideration in computing the amount of the aid payment for her eligible children, determine his ability to support the members of the stepfather unit on the basis of the AFDC standard of assistance. Allow the deduction from earnings for work expenses in accordance with Section 44-113.23 but do not allow the earned income exemption.
- .521 If his income meets their combined need, exclude his wife and his children from the AFDC family budget unit. His actual contribution in cash or in kind is net income to the family budget unit.
- His wife's income is net income to the family budget unit to the extent of her own children's need. If her income equals or exceeds their need, exclude her children from the family budget unit.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC

- .522 If his income does not meet their need, include in the family budget unit his wife and his children for whom she requests aid. Net income to the family budget unit from the stepfather is the larger of the following amounts:
- a. His actual contribution in cash or in kind, or
  - b. His ability to support his wife and his children who are in the family budget unit.

For purposes of this section, the stepfather's "ability to support" shall be the amount of his income remaining after deducting the following:

- His work expenses in accordance with Section 44-113.23.
- His needs, and those of the members of the stepfather unit who are excluded from the family budget unit, computed on the basis of the AFDC standard of assistance.
- Allowance of \$15 monthly for medical and dental needs of each person in the stepfather unit.
- Allowance for actual payments on court-ordered support for his dependents living elsewhere.
- Ten percent of his gross income.

DO NOT WRITE IN THIS SPACE

Effective 2/1/71

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC .7 Income From Contribution By Unmarried Father

.71 When the unmarried father is included in the family budget unit (See Section 44-213.313), his net nonexempt income is net income to the family budget unit.

.72 When the unmarried father is excluded from the family budget unit but the unmarried mother requests that the needs of any of his children be taken into consideration in computing the amount of the aid payment for her eligible children (See Section 44-213.311), determine his ability to support himself and his children living in the home on the basis of the AFDC standard of assistance. Allow the deduction from earnings for work expenses in accordance with Section 44-133.23 but do not allow the earned income exemption.

.721 If his income meets their combined need, exclude his children from the AFDC family budget unit. His actual contribution in cash or in kind is net income to the family budget unit.

DO NOT WRITE IN THIS SPACE

Effective 2/1/71

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC

.722 If his income does not meet their need, include in the family budget unit his children for whom the unmarried mother requests aid. Net income to the family budget unit from the unmarried father is the larger of the following amounts:

- a. His actual contribution in cash or in kind, or
- b. His ability to support his children who are in the family budget unit.

For purposes of this section, the unmarried father's "ability to support" shall be the amount of his income remaining after deducting the following:

- His work expenses in accordance with Section 44-113.23.
- His needs, and those of his children in the home who are excluded from the family budget unit, computed on the basis of the AFDC standard of assistance.
- Allowance of \$15 monthly for medical and dental needs of the unmarried father and each of his children who are excluded from the family budget unit.
- Allowance for actual payments on court-ordered support for his dependents living elsewhere.
- Ten percent of his gross income.

DO NOT WRITE IN THIS SPACE

Effective 2/1/71



FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 19 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11480.2)

NOV 19 1970

Office of Administrative Procedure

Copy below is hereby certified to be a true  
and correct copy of regulations adopted, or  
amended, or an order of repeal by:State Department of Social Welfare

(Agency)

Dated: November 19, 1970By: Robert MartinDirector

(Title)

FILED

In the office of the Secretary of State  
of the State of California

NOV 19 1970

At 4:35 o'clock P.M.J. P. Fullin  
Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

## FINDING OF EMERGENCY

The amendment and repeal of the following sections of the Manual of Eligibility and Assistance Standards are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

- 44-265 (Amended)
- 44-266 (Repeal)
- 44-268 (Repeal)
- 44-270 (Repeal)
- 44-272 (Repeal)
- 44-274 (Repeal)
- 44-276 (Repeal)
- 44-278 (Repeal)
- 44-279 (Repeal)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On November 17, 1970, the U. S. District Court for the Northern District of California, in the case of Bryant v. Martin (CAC 51909 AJZ), declared the dollar amounts denoting maximum grant levels in the public assistance program of Aid to Families with Dependent Children (AFDC), as contained in Section 11450(a) of the Welfare and Institutions Code, invalid as in conflict with Section 402(a)(23) of the Social Security Act. The court ordered Robert Martin, as Director of the State Department of Social Welfare, to increase the dollar maximums as required by Section 402(a)(23).
2. The expenditures of the Department of Social Welfare for the AFDC program in the fiscal year 1970-71 are limited to the appropriation made by Item 279 of the Budget Act (\$342,405,400 plus what expenditures may be approved by the Director of Finance under the circumstances set forth therein.)
3. Department regulations promulgated pursuant to and in compliance with the order of the court in Bryant v. Martin change the present methods of determining assistance payments. This change affects the present regulations regarding special needs, established pursuant to Welfare and Institutions Code Section 11452(h), such that assistance payments which are in part determined by a special need of the recipient cannot be maintained at the levels contained in the regulations promulgated pursuant to Bryant v. Martin.
4. In order to confine expenditures to the sum appropriated as set forth in paragraph two (2) above, it is necessary that the amendment and the repeal of the regulations set forth above be adopted as emergency measures to correlate with the regulations promulgated pursuant to Bryant v. Martin.
5. Unless the amendment and the repeal of the regulations set forth above are adopted as emergency measures effective immediately, expenditures under the regulations promulgated pursuant to Bryant v. Martin for Aid to Families with Dependent Children (AFDC) will significantly exceed the sum appropriated.
6. Expenditures in excess of the sum appropriated will result in substantial reductions in grants to all recipients of AFDC. The ensuing harm caused by such reductions would necessarily be adverse to the health, safety and general welfare of the persons affected and thereby the State of California.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-265 ALLOWANCES FOR SPECIAL ITEMS IN AFDC FAMILY BUDGET

44-265

AFDC | .1 Clothing, Household Supplies and Essential Furniture

Allowance shall be made in the family budget to replace essential items specified in this section that are destroyed by fire, flood, earthquake or storm, or are otherwise essential to the health and safety of the family in accordance with guidelines issued by the State Department of Social Welfare:

- .11 An allowance of \$27 for each member of the family budget unit for clothing.
- .12 An allowance of \$12 for each member of the family budget unit for the replacement of bedding, dishes and kitchen utensils.
- .13 An allowance equal to the actual cost to the family not to exceed the amount indicated plus sales tax to replace the following:

Cook stove	\$100	Space heater	\$ 57
Refrigerator	\$150	Double bed, including mattress (for two persons)	\$ 103

DO NOT WRITE IN THIS SPACE

Effective 2/1/71

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-265 ALLOWANCES FOR SPECIAL ITEMS IN AFDC FAMILY BUDGET

44-265

.2 Special Diet

AFDC

.21 Allowance for a special diet shall be authorized when a doctor or other practitioner recommends one or a combination of the diets listed below, except that final determination of the need for a therapeutic diet may be based on consultation with the county medical consultant. Notwithstanding Section 44-265, the allowance may continue for no more than one year unless continuation is resubstantiated as provided above.

No allowance shall be authorized for a special diet other than one of those listed below nor shall the amount allowed for a combination diet exceed that specified for the highest cost diet included in the recommended diet plan.

.22 The amount for additional cost of a therapeutic diet shall be as follows:

\$15 Diabetic, 2200 calories or more

High caloric - high protein (including special formula  
for infant)

Lactation (while breast feeding)

\$ 9 Diabetic, under 2200 calories

Bland

Low fat - low cholesterol

Low salt (sodium, under 3 grams)

Pregnancy (from 4th month)

DO NOT WRITE IN THIS SPACE

Effective 2/1/71

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-265 ALLOWANCES FOR SPECIAL ITEMS IN AFDC FAMILY BUDGET

44-265

AFDC | .3 Allowances shall be made for special items subject to the following conditions:

.31 The family shall request the allowance in writing and shall state:

- a. that the family has no liquid assets available to meet the emergency, and
- b. that to the best of its knowledge, the item is not available to the family without cost.

.32 The amount allowed shall be limited:

- a. to the actual cost to the recipient, not to exceed the amount specified for the item in Sections 44-265.1 and 44-265.2, and
- b. to the maximum state participation base specified in Section 44-313.

.33 The cost of special items, other than special diet, that do not occur monthly shall be allowed in a single month or prorated over not more than three consecutive months.

DO NOT WRITE IN THIS SPACE

Effective 2/1/71

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective 2/1/71:

- 44-266 SPECIAL NEED FOR EXCESSIVE COST OF UTILITIES
- 44-268 SPECIAL NEED FOR TELEPHONE
- 44-270 SPECIAL NEED FOR CLOTHING
- 44-272 SPECIAL NEED FOR HOUSEHOLD SUPPLIES AND FOR ESSENTIAL EQUIPMENT
- 44-274 SPECIAL NEED FOR LAUNDRY
- 44-276 SPECIAL NEED FOR TRANSPORTATION ESSENTIAL TO HOME MANAGEMENT
- 44-278 SPECIAL NEED FOR HOUSEKEEPING SERVICE
- 44-279 SPECIAL NEED FOR THERAPEUTIC DIET

DO NOT WRITE IN THIS SPACE

FACE SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 20 1970

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING  
(GOV. CODE 11380.1)

NOV 20 1970

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: November 20, 1970

By: Robert Thant

Director

(Title)

FILED

In the office of the Secretary of State  
of the State of California

NOV 20 1970

At 4:10 o'clock P.M.

W. H. Hill  
Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

#### FINDING OF EMERGENCY

The following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Regulation Section 44-212.4  
Regulation Section 44-212.5  
Regulation Section 44-212.6  
Regulations Section 44-212.61  
Regulation Section 44-212.8  
Regulation Section 44-212.9

The following facts constitute the emergency:

1. The regulations set forth above contain elements necessary for the establishment of the complete standard of assistance for recipients of Aid to Families with Dependent Children (AFDC) as required by Welfare and Institutions Code Section 11452 and by Section 402(a) of the Social Security Act.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
F FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

2. Emergency measures were filed by the Department of Social Welfare on November 19, 1970, which, among other things, established a new procedure for determining the standard of assistance for AFDC which replaces the content of the regulations set forth above operative February 1, 1971. Also contained in the emergency measures was a repeal of the regulations set forth above, which, due to an inadvertence, was effective November 19, 1970 instead of February 1, 1971 as intended.
3. Unless the regulations set forth above are adopted as emergency measures effective immediately, there will be no existing regulations containing complete provisions for the standard of assistance required by Welfare and Institutions Code Section 11452 and Social Security Act Section 402(a) for the period November 19, 1970 to February 1, 1971.
4. The absence of complete standards by which AFDC payments are determined will result in the substantial reduction of assistance payments to all AFDC recipients based on the partial standard of assistance remaining intact. Moreover, the absence of such complete standards constitutes a failure to comply with federal law as expressed in Social Security Act Section 402(a) for the period November 19, 1970 to February 1, 1971.
5. Failure to conform to federal law could result in the loss to California of hundreds of millions of dollars of federal funds.

A substantial reduction of aid payments to all AFDC recipients based on a partial standard of assistance and the resultant loss of federal funds is necessarily adverse to the health, safety and general welfare of the State of California.

The regulations set forth above must, therefore, be adopted effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE



**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-212 MINIMUM NEEDS OF AFDC FAMILY BUDGET UNITS (Continued)

44-212

AFDC 4. Minimum Need Amount for Individual Needs

The amount for each person in the family budget unit for clothing, personal needs and recreation shall be as shown in the following schedule, established on the basis of standard pricing methods as the July 1, 1969, cost of these items as specified below:

Clothing: For minimum replacement of adequate supply of clothing; does not include amount for purchase of an initial supply of clothes.

Personal Needs: For haircuts, toothbrushes and toothpaste, hair brushes and combs, toilet soap, shaving supplies, sanitary supplies and similar items; for infants, mineral oil, vaseline, boric acid, sterile cotton, nursing bottles and nipples.

Recreation: For movies, school activities, skates, fishing tackle, club dues, toys and other recreational items.

Table of Individual Need Amounts  
By Age and Sex of Persons in the  
Family Budget Unit

<u>Age and Sex Group</u>	<u>Total Amount</u>	<u>Clothing</u>	<u>Personal Needs</u>	<u>Recreation</u>
Female 13 and over and Incapacitated Adult Male	\$16.05	\$11.65	\$2.45	\$1.95
Male 13 and over	17.60	13.95	2.35	1.30
Child 7 through 12 years	12.60	10.45	1.60	.55
Infant and Child 1 through 6 years	8.10	7.15	.95	

DO NOT WRITE IN THIS SPACE

Effective 11/20/70

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-212 MINIMUM NEEDS OF AFDC FAMILY BUDGET UNITS (Continued)

44-212

AFDC

.5

Minimum Need Amount for Family Budget Unit Needs

The amount by size of the family budget unit for household operations and intermittent needs, education and incidentals, and transportation shall be as shown in the following schedule, established on the basis of standard pricing methods as the July 1, 1969, cost of these items as specified below:

Household Operations and Intermittent Needs: For cleaning and laundry supplies, such as brooms, mops, soap and bleach; for mending supplies; for medicine chest supplies, such as antiseptic, bandages, aspirin, hot water bottle; for replacement of household items such as light bulbs, linens and bedding; and for expenses that do not occur monthly, such as life insurance premiums, toll or long distance telephone calls, repair or replacement of essential household equipment or furniture.

Education and Incidentals: For newspaper, magazine, stationery, postage.

Transportation: For public transportation.

Table of Family Budget Unit Need Amounts  
By Item and Size of Family Budget Unit

Item	Size of Family Budget Unit									
	1	2	3	4	5	6	7	8	9	10
Total	\$12.95	\$18.75	\$23.30	\$29.30	\$34.25	\$40.05	\$44.90	\$50.70	\$55.60	\$61.70
Household Operations and Intermittent Needs	8.60	11.70	13.55	16.90	19.15	22.25	24.45	27.55	29.80	33.20
Education and Incidentals	1.95	2.25	2.55	2.80	3.10	3.40	3.65	3.95	4.20	4.50
Transportation	2.40	4.80	7.20	9.60	12.00	14.40	16.80	19.20	21.60	24.00

DO NOT WRITE IN THIS SPACE

Effective 11/20/70

**CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-212 MINIMUM NEEDS OF AFDC FAMILY BUDGET UNITS (Continued)

44-212

AFDC .6 Additional Amounts

.61 FBU With More Than Ten Persons

The total need amount of these families shall be increased by adding for each additional person:

- a. The food and individual need amounts specified in Sections 44-212.3 and 44-212.4 according to the age and sex of the person.
- b. Plus \$6 per person for family group needs.

AFDC .8 County Pricing Groups

The county in which AFDC items in the minimum and special need standard are priced and the counties to which such pricings are applicable on the basis of their comparable economic levels shall be as specified in the following table:

County Pricing Group	1	2	3	4	4a
Pricing County	Los Angeles	San Mateo	Butte	Mariposa	(Mariposa)
Other Counties	Alameda	El Dorado	Amador	Calaveras	Alpine
	Contra Costa	Fresno	Colusa	Modoc	Mono
	Kings	Imperial	Del Norte	Sierra	
	Madera	Kern	Glenn	Trinity	
	Riverside	Mendocino	Humboldt		
	Sacramento	Merced	Inyo		
	San Benito	Monterey	Lake		
	San Bernardino	Napa	Lassen		
	San Diego	Nevada	Marin		
	San Luis Obispo	Orange	Plumas		
	Santa Clara	Placer	Shasta		
	Santa Cruz	San Francisco	Siskiyou		
	Solano	San Joaquin	Tuolumne		
	Tulare	Santa Barbara			
	Yolo	Sonoma			
		Stanislaus			
		Sutter			
		Tehama			
		Ventura			
		Yuba			

AFDC .9 Implementation of Revised Minimum Need Amounts

Revised minimum need amounts shall be effective in all AFDC family cases March 1, 1970.

In determining total minimum need amounts for family budget units, exclusive of housing, the county welfare department shall use the Coded Cost Schedule issued by the State Department of Social Welfare.

Effective 11/20/70

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET  
FOR FILING ADMINISTRATIVE REGULATIONS  
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective 2/1/71.

Section 44-212.4	Minimum Need Amount for Individual Needs
44-212.5	Minimum Need Amount for Family Budget Unit Needs
44-212.6	Additional Amounts
44-212.61	FBU With More than Ten Persons
44-212.8	County Pricing Groups
44-212.9	Implementation of Revised Minimum Need Amounts

DO NOT WRITE IN THIS SPACE

Effective 11/20/70